211.

THE

TRIAL

OF

ANDREW ROBINSON BOWES, Esq.

EDWARD LUCAS, FRANCIS PEACOCK, MARK PREVOT, JOHN CUMMINS, otherwise called CHARLES CHAPMAN, WILLIAM PIGG, JOHN BICKLEY, HENRY BOURN, and THOMAS BOWES, Attorney at Law,

ON

WEDNESDAY, the 30th Day of MAY, 1787,

IN HIS

MAJESTY's COURT OF KING's-BENCH, WESTMINSTER,

BEFORE THE

HON. MR. JUSTICE BULLER,

AND A

SPECIAL JURY,

FOR A

CONSPIRACY

AGAINST THE

Right Hon. MARY ELEANOR BOWES,

COMMONLY CALLED

COUNTESS OF STRATHMORE.

TO WHICH ARE ADDED,

The Speeches of Mr. ERSKINE, Mr. CHAMBRE, and Mr FIELDING, in Mitigation of Punishment on Behalf of the Conspirators; and of Mr. MINGAY, Mr. LAW, and Mr. GARROW, in Support of the Prosecution, previous to the Judgment of the Court, on TUESDAY the 26th Day of June, which is also included.

TAKEN IN SHORT HAND BY

E. HODGSON, SHORT-HAND-WRITER to the SESSION at the OLD-BAILEY.

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M.DCC.LXXXVII.

BRITISH MUSEUM

E R R A T A.

Page 13.—l. 37, read—he went in *her Ladyſhip's coach.*
15.—l. 39, inſtead of *that time*, r. *at her return.*
20.—l. 3. from bottom, r. A. *Yes, I did*—and conclude the Paragraph.
21.—l. 33. for *imprudent*, r. *impudent.*
22.—l. 19. which *I.*
23.—l. 12. for, I ſaw them *them*, r. I ſaw them *then.*
24.—l. 24. for, a letter *for*, r. a letter *from.*
25.—l. 32. for, *come*, r. *came.*
27.—l. 33. for, threeſcore guineas *from*, r. threeſcore guineas *to.*
31.—l. 32. for, *an*, r. *on.*
—l. 33. for, *obout*, r. *about.*
—l. 46. for, after ſhe was *reſcued*, r. after ſhe *returned.*
42.—laſt Paragraph, read—The Jury, after a very few minutes conſideration, and without retiring, having ſat from nine o'clock in the morning till half paſt four in the afternoon, brought in their verdict, ALL GUILTY of the *whole charge.*
57.—l. 10. for, *yerſon*, r. *perſon.*

BRITISH MUSEUM

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THE

TRIAL, &c.

COUNSEL FOR THE CROWN.

Mr. MINGAY, Mr. LAW, Mr. GARROW.

COUNSEL FOR THE DEFENDANTS.

Hon. T. ERSKINE, Mr. CHAMBRE, Mr. FIELDING.

Mr. GARROW opened the Information.

Mr. MINGAY opened the Caſe as follows:

MAY it pleaſe your Lordſhip, and Gentlemen of the Jury, I am likewiſe of counſel in this caſe for the Crown, and it will be neceſſary for me to ſtate to you a tranſaction that I hope never, or any thing like it, exiſted before in a chriſtian country; it will therefore be neceſſary for me, becauſe I dare ſay that moſt of you are not acquainted thoroughly with the nature of it, though you may have heard there has been ſuch a thing depending, to ſtate to you the ſituation of the parties, the cauſes that have produced, and the conſequences that have followed, from the diſputes that have ariſen between this Lady and Andrew Robinſon Bowes. Gentlemen, before I do that, I will briefly ſtate to you the charge againſt theſe defendants—You have heard the pleadings opened by my learned friend, the ſubſtance of which is this, that Lady Strathmore having for ſome time time lived apart from her huſband Mr. Bowes, a ſuit was inſtituted in the Conſiſtory Court of London, for a divorce; and that the defendants unlawfully conſpiring together to hinder the further proſecution of that ſuit, and by means of force, violence, and impriſonment of her perſon, to compel her to drop it; that they did on the 10th of November make an aſſault upon her, ſeized and carried her away by force—that in order to compel her to drop this ſuit, Mr. Bowes, aſſiſted by a numerous gang, many of whom are now defendants, on the 10th of November laſt, forcibly ſeized her, in the middle of the day, and in one of the moſt public ſtreets in London, dragged her ſervants before a Juſtice of the Peace, under a warrant, obtained by groſs perjury, and carried the unfortunate Lady, againſt her will, near three hundred miles, through the heart of this kingdom; and before I ſtate the circumſtances of this caſe, I will inform you who all theſe defendants are—In the firſt place, Andrew Robinſon Bowes is the huſband of Lady Strathmore; the ſecond perſon is Edward Lucas, the conſtable; the part he took in this buſineſs you will hear in the courſe of the detail; Francis Peacock is the agent of ſome collieries in the north of England, and he was brought from the North to act a part in this ſcene; Mark Provot is valet de chambre to Mr. Bowes;

Cummins, who goes by the name of Chapman, together with Pigg, were dependents on Mr. Bowes, Bickley is a Hackney coachman; Bourn is his ſteward, and Thomas Bowes is his attorney, living at Darlington, in the North. Theſe, Gentlemen, are the different actors in this infamous ſcene. I call it infamous, and I will prove it ſo, for I am ſure no man who hears me can, by any poſſibility of imagination, extend his mind ſo far in a courſe of iniquity, as to comprehend any thing like the preſent caſe. Gentlemen, this unfortunate lady, the object of their ſchemes, was the daughter of a Gentleman of an ancient family, who had a magnificent fortune in the North, and ſhe firſt married Lord Strathmore, to whom ſhe was not inferior, being one of the richeſt heireſſes in the kingdom; after his death ſhe unfortunately married Mr. Andrew Robinſon Bowes, and ſhe continued to live with Mr. Bowes eight long and miſerable years. In 1785, after treatment that I ſhould have thought no man could poſſibly have adopted againſt any woman, and that no woman, thank God, is bound to bear in this country from any man, ſhe exhibited articles of the peace againſt him; he procured ample bail, the preſent Duke of Norfolk and my worthy friend Mr. Lee—She inſtituted a ſuit in the Commons, for the purpoſe of obtaining a divorce againſt Mr. Bowes, his ſecurities were, that he ſhould keep the peace for one year; in the courſe of that year every poſſible means were adopted to procraſtinate that ſuit, and avoid its being determined; for, as Mr. Bowes was conſcious it could not be in his favor, therefore his ſole object was delay; the ſuit came to a final hearing, and Mr. Bowes then thought fit, for theſe gentlemen were his bail, and I will do him the juſtice to ſay, that as far as regarded the bail, he acted as a man of honor; I wiſh he had been uniform in that character towards his wife. Gentlemen, in May 1786, the Judge of the Conſiſtorial Court concluded the cauſe, and aſſigned the ſame for final ſentence and hearing; he then appealed to the Arches Court of Canterbury, for the purpoſe of delay; on the laſt day of laſt Trinity Term the ſecurity expired, and he was no longer bound by the laws of his country ſo far as regarded his bail; as far as regarded them they were no longer under recognizances, and they were diſcharged. From that inſtant he meditated the plan which he afterwards executed, in the manner I ſhall ſtate to you; he was determined to take the perſon of Lady Strathmore by force, to compel her by means as ſavage as they were uncommon and unheard of, to drop that ſuit in the Commons. Gentlemen, upon his marriage with this Lady, in right of her Mr. Bowes came into the immediate poſſeſſion of ten thouſand pounds a year; and poſſeſſed that large income without making any ſettlement on her, therefore his object could not be her death; and I have often heard in this Court when theſe things have been diſcuſſed, what could Mr. Bowes's poſſible motive be, if he did not want the death of Lady Strathmore? and I own it caught me; but if ſhe was divorced in the Commons care would have been taken that part of that ten thouſand a year ſhould go to the Lady; his object was that ſhe ſhould drop that ſuit, and continueto live with him as his wife, and he have the power and controul over it all. Gentlemen, it was impoſſible for any man to execute ſo grand a ſcene as this without ſome men of his own deſcription; as ſoon therefore as he had done his buſineſs here with reſpect to his bail and their recognizances, as ſoon as he had ſettled ſome cauſes in Durham, or thereabouts, he comes to town, and brings very reſpectable companions along with him; he brings Mr. Peacock, an agent in the North; he brings Provot, his valet de chambre; he brings with him Cummins, otherwiſe Chapman, and Pigg, who were people that were accuſtomed to deeds of darkneſs by living in a mine. In his way to town it occurred to Mr. Bowes, that he had travelled that road too often, and that bringing theſe people from the North would naturally excite ſuſpicion and curioſity; he therefore came a bye road, puts on a large buſh wig with a long tail, and paſſed for Colonel Mediſon; he came to Stone in Staffordſhire, and there he hired a poor lad, who will be called to you, his name is Peter Orme; this lad came to town hired by Colonel Mediſon and Mr. Peacock, who took upon himſelf the name of Johnſon; this boy by appointment came to the Swan with Two Necks in Lad-Lane. It is neceſſary to be thus particular, becauſe I muſt ſtate theſe things to you, and you will ſee the part that Bourn and Thomas Bowes acted, in order to ſatisfy your minds that they conſpired and acted, though not in London, to bring this ſcheme into execution; for God forbid, that in a caſe like this, any man that can be reached by the laws of his country ſhould eſcape. When this lad got to town, they brought him to their houſe in Norfolk-ſtreet in the Strand, which was hired for the purpoſe—ſays Bowes, my horſes are not yet come to town, and till they come from graſs, I ſhall not want your aſſiſtance, but by no means ſtir out of the houſe. While they were in

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the houſe in Norfolk-ſtreet, theſe perſons went out continually, always diſguiſed and always armed, to obſerve Lady Strathmore's motions; her Ladyſhip was then living at a houſe in Bloomſbury-Square, and their ſole object was to ſeize her perſon. Gentlemen, Mr. Bowes in the courſe of theſe proceedings, at different times put on different diſguiſes, for thepurpoſe that while he was watching around the houſe, becauſe ſhe was very much on her guard; for the purpoſe of eluding her obſervations, he appeared as Colonel Mediſon; he took upon himſelf the diſguiſe of an old man in a large wig, had ſpectacles, as a juſtice of the peace, and at laſt hit on the diſguiſe of a ſailor! How the Devil (for nobody but the Devil could deviſe ſuch ſchemes as theſe) I ſay how the Devil could put it in his head to think of a ſailor he muſt explain to you; a moſt unnatural diſguiſe for ſuch a project, and more peculiarly ſo as the object of his perſecution was a woman—creatures of all others moſt beloved by Britiſh tars. They were once in a coach with the blinds up, and diſguiſed; ſomebody gave Lady Strathmore intelligence, and ſhe was prevented from going abroad that day, and of courſe ſhe was naturally ſuſpicious that ſome miſchief was intended her; and you will now ſee what an artful ſcheme was adopted by Mr. Bowes. With reſpect to Mr. Thomas Bowes and Mr. Bourn, you will find circumſtances are neceſſary to be attended to, for undoubtedly their caſes are different from the reſt; for they, though not buſy actors, were moſt undoubtedly behind the curtain. Lady Strathmore upon theſe ſuſpicions, through her attorney, applied to me (having had the honour of being long concerned for her as one of her council) and I own it did not occur to me that ſhe could apply to the Court, becauſe no violence had been offered to her perſon, and who thoſe people were that were ſhut up in a coach ſhe could not tell; ſhe was very unwilling to ſtir abroad but for the neceſſity of her health.—Mr. Bowes, conſcious this would be the caſe, had another ſcene to act; he therefore leaves Chapman, Peacock, and Pigg, at their head quarters in Norfolk-ſtreet, he goes in the night directly into the North; immediately after this, when he found that he was ſuſpected, he takes Prevot, and Bickley, this hackney coachman, and Orme, with him; when he got to the Cock at Eaton, he left Bickley and Orme behind him, and Prevot and he went directly for the North; his object was to ſhew himſelf publicly in the North, and that he might be ſeen at Barnard Caſtle on ſuch a day. They arrived at Lady Strathmore's houſe, which is his in her right, he goes publicly the next morning to Barnard Caſtle Market; this was not enough, he had a further ſcheme, he not only wiſhed to ſatisfy the people that were in London that he was in the North, and doing no miſchief; but he could not ſtay in the North, becauſe if he had, the miſchief could not be carried on in the South; ſo he ſees a Mr. Colpits, ſays he, this is the time, he get off his horſe, and lays himſelf down on the road, carefully enough, I dare ſay! Bourn rides up to Mr. Colpits, Good God! here is a dreadful accident! Mr. Bowes has broke his leg, and every thing but his neck! Bourn rides away for a ſurgeon—he fetches a ſurgeon, and he will tell you that he pretended to bleed him—ſays he, he has broke three of his ribs, he has diſlocated his ſhoulder, and fractured his ſkull, Lord have mercy upon me! He was carried to Streatlam Caſtle, the night coming on favoured him very much; every body enquired after his health, and my learned friend Mr. Lee, who is his neighbour, from that goodneſs of heart which actuates him in every thing, ſent to enquire alſo; nobody could ſee him, he was too bad to be ſeen—nobody was to ſee him except Thomas Bowes, his attorney; and I will prove to you, that while this farce was acting, Thomas Bowes was preſent in the Caſtle, and the only perſon, except Bourn the Steward, that was admitted into it; it was put into all the papers—and Gentlemen, Mr. Hobſon, is one of the moſt aſtoniſhing ſurgeons in the world, for on the 28th of October, through the aſſiſtance of Mr. Hobſon, Mr. Bowes was back again at the Cock at Eaton; the Caſtle was ſhut up, inquiries were carried on—he is a little better, but not well enough to be ſeen; and all this that he might come back to London, and make this unmanly attack upon Lady Strathmore's perſon. Gentlemen, they all came back to Norfolk-ſtreet, and there they met, and then determined to carry this plan into execution on the 30th or 31ſt of October, two days after they came back from the North. It was neceſſary for them, if they poſſibly could, to get into ſome ſituation by way of reſidence, where they might obſerve the ſituation of Lady Strathmore; and they went to the back of Bloomſbury-Square all in diſguiſe, and they applied to a man of the name of Crooke, they aſked him to let them a lodging—Crooke ſaid, upon my ſoul I took them for a gang of thieves, and I would have nothing to do with them; they ſaid

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they had come five or ſix hundred miles in purſuit of robbers; Crooke had no objection to calling on them with information, and they told him to enquire for the Juſtice; and when he went, there was Mr. Bowes ſitting in a great arm chair, Col. Mediſon in a great wig and long tail, he was the juſtice, and Pigg, whoſe hiſtory you have heard, was with him. Gentlemen, I underſtand this man was permitted to be ſworn to ſecrecy, for Mr. Bowes, I underſtand, travels about with a book with him, and ſwears the people to ſecrecy; they offered this man money, they ſhook a purſe at him, he looked at it, he took it for Pandora's box, he thought there was ſomething at the bottom that would bite him; when they found they could get no ends anſwered by him, they aſked him—can you recommend us a conſtable? ſo he turned it over in his mind—ſays he, I know one Lucas; and Gentlemen, if there can be in things that are extremely infamous, any thing that is more infamous than the reſt, I think it is the part of Lucas; he was introduced by Crooke to Mr. Bowes, he had a very great reward promiſed him, and he was very much tempted by it; he was to do this as being a peace officer—he was to get acquainted with Lady Strathmore, warn her of her danger, and promiſe and offer her his ſervices; his reward was this, he was to have ſome houſes that belonged to Lady Strathmore at a pepper corn rent, till Mr. Bowes got him a place in the Cuſtom-Houſe of equal value; and I will prove to you, that Mr. Bowes went to the tenants, and told them Lucas was their landlord, and he had afterwards the impudence to demand the rent. On the firſt of November Lucas went to Lady Strathmore, and pretended he had ſeen ſome lurking fellows; ſays he, "My Lady, they are very ill-looking fellows, they look as if they deſerve to be hanged;" thus far, Gentlemen, he ſpoke true; "they muſt have ſomething very infamous in view," ſo far he ſpoke true; and he impoſed upon her ſo far as actually to put herſelf under his protection, and to pay him from time to time to go backwards and forwards and give her notice. Now it is neceſſary to ſtate to you the names of the ſervants that were in the houſe of Lady Strathmore, becauſe you will find bye-and-bye, that this ſcheme was put into execution by that which is terrible to ſtate in a Court of Juſtice, for by perjury this deed was carried into execution. Gentlemen, Mrs. Morgan was upper ſervant and companion to Lady Strathmore, Robert Crundel was her footman, Daniel Lee was her coachman—Bowes did not know his name, but he gave him a name—on the eighth of November, Chapman, one of the defendants, aſſuming the name of Cummins, went to the office of Mr. Walker, who, I underſtand, is a reſpectable magiſtrate in this county, and he there made oath that he went in danger of his life from Mary Morgan, Crundel and Jones—the name of the man was Lee, but however he was taken under the name of Jones, as coachman; upon which the warrant was granted, it was given to Lucas of courſe; you know Lucas could not himſelf take Mrs. Morgan, the coachman and footman of Lady Strathmore, that would have been out of his power; he therefore employed one Broad, and agreed to pay him a guinea a day for his trouble, he likewiſe employed Saunders and Mecham; on the ſame day, the 10th of November, Lucas went to Lady Strathmore's to know if ſhe was going out; he ſaid he would protect her and defend her; ſhe paid him for his former attendances, and ſaid, I do not mean to trouble you to-day, Captain Farrer is ſo obliging to take an airing with me to day, he is ſufficient to protect me. Lucas goes and tells them of their intended airing; the conſequence was, Lady Strathmore went out, Lucas watched the carriage with the reſt of theſe people, the coach drove to the houſe of Mr. Foſter in Oxford-ſtreet, Lady Strathmore and Mrs. Morgan got out, and the coachman and footman were immediately ſeized and taken before a magiſtrate; Lady Strathmore was left in the houſe with Mrs. Morgan, they ran up ſtairs neceſſarily, apprehending danger; their friend Lucas came up to the door, and he tapped, "Who's there?" "Your friend Lucas," ſays he, "Oh, Lucas, open the door," the very inſtant they opened the door, he ſaid "he had a warrant againſt her, and ſhe muſt be carried to Lord Mansfield's; that it was as much as his life was worth not to execute it; and, as for you, Mrs. Morgan," ſays he, "I adviſe you to go away, for there are more warrants againſt you." She went away; Lady Strathmore was left with Captain Farrer—ſays he to Captain Farrer, "I charge you to aid and aſſiſt me in the King's name; we are only going to Caen Wood." One of theſe men was put on the coach-box, another behind; Lucas got into the coach with Lady Strathmore and Captain Farrer; when they got to Highgate, they were met by Mr. Bowes and Provot. Lady Strathmore cried out, ſhe broke the window, ſhe uſed every poſſible means to eſcape from the hands of theſe ruffians, but in vain; ſhe was forced on

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the north road; ſhe was forced on from ſtage to ſtage, in a manner it will be unneceſſary for me to ſtate to you, I ſhall prove it by witneſſes: Mr. Bowes joined them at Highgate; they pretended to drive on to Lord Mansfield's, inſtead of which they went on towards Barnet, and when they got near Barnet Captain Farrer was deſired, with a blunderbuſs at his head, to get out; he was obliged to walk back again, and they drove on; all theſe people were armed, and it is impoſſible for any man if he was in ſuch a ſituation, to feel to that extent that a poor and miſerable timid woman would do, in the hands of ſuch people. Gentlemen, as he went along at different places, when people neceſſarily enquired—what is all this? for ſhe ſcreamed moſt violently. Mr. Bowes made uſe of the old ſcheme, ſaid ſhe was mad, a poor unhappy woman, ſo the people let her paſs. Gentlemen, on the 11th of November, at twelve at night, they arrived at Streatlam Caſtle; there they were met by Mr. Bourn, the Steward, and Mary Gowland, an excellent companion for the wife of Mr. Bowes; for ſhe, I believe, has been juſt brought to bed of a baſtard child by the huſband—huſband, did I ſay!—a ſatyr—He took her into the dineing room, he put a piſtol to her head—he had before endeavoured to prevail upon her to ſign a paper, which ſhe perſiſted to refuſe; ſhe declared ſhe never would ſign any thing, and you will find that at Stilton he attempted it on the road; when he got her into the room by herſelf, he uſed all poſſible means, he held a piſtol to her head, ſhe ſaid ſhe would not—ſhe refuſed it a ſecond time; he deſired her to ſay her prayers, for he would put her to death—ſhe ſaid ſhe would not ſign any paper, ſhe ſaid her prayers, and ſhe ſaid to Mr. Bowes, fire!—with a courage that to me is aſtoniſhing! upon which he—even he exclaimed, by God you are an aſtoniſhing woman! the anſwer to that would have been obvious, but I dare ſay ſhe dared not to make it. Gentlemen, thus he dragged her about; Mr. Chapman and Mr. Pigg carried her to bed, they were two Abigails ſhe had not been uſed to before; and I will prove to you, that he actually pleaded, that during this very infamous miſconduct of his, that ſhe had cohabited with him on mountains and in ſnow; that ſhe had cohabited with him from the 12th to the 20th of November, in a ſtate of mutual forgiveneſs. Gentleman, if that had been true, the ſuit in the Commons would have cut a very indifferent figure on the behalf of Lady Strathmore, and I dare ſay that ſome attempts will be given in evidence to induce you to believe it; but, Gentlemen, if Mr. Bowes did with violence get between the ſheets in the preſence of theſe fellows, it will be for you to ſay whether there is a colour to aſſert—whether in ſuch a ſituation, ſhe could have conſented to the addreſſes of ſuch a man?—She refuſed him, ſhe told him he ſhould not, and ſaid to him, "If you do not deſiſt—for I know your purpoſe well—I know your object, if you cannot compel me by force to give up my ſuit, you may notwithſtanding, compel me to that which is called cohabitation, and if you do, I will indict you for a rape;" and there are caſes where a huſband is liable to be tried for a rape even on his own wife, as much as if he had forced any other woman; this frightened him a little, for his own good was very much at heart, he did not wiſh to get into the ſcrape of being hanged; upon this he had to debate a little in his own mind how he ſhould purſue this Lady; if I can neither by force compel her to cohabit with me, or drop her ſuit, what courſe can I take? Why I will get her abroad, I will ſend her to Ireland; that was the only chance he had, for the alarm was given here, expreſſes were ſent, and pains taken; that was the object of Mr. Farrer,—As ſoon as he could, he applied to this Court, and ſhe was reſcued afterwards in a manner marvellous; moſt undoubtedly his ſcheme was to have carried her abroad, if he could have effected that purpoſe; he took her, he left ſome of his confederates in the Caſtle, and they were to practiſe this ſcheme, and it was to be given out that Lady Strathmore was in the Caſtle, that they might not attempt to reſcue her. In the dead of the night, therefore, Mr. Bowes ſet out; he took her, made her get up, hurry on a few of her cloaths, put on an old bonnet belonging to ſome ſervant, and Providence—certainly it is Providence which watches over us all that orders it ſo, that when ever you ſee men in theſe ſituations, circumſtances ſeemingly ſmall, tend to confirm their guilt; for a great coat was put on this Lady, which turns out to be the great coat of Thomas Bowes, the attorney; I cannot prove that he was there by poſitive evidence, but I will lay ſuch circumſtances before you, that ſhall leave no doubt in your minds that he was there; in this great coat this Lady was wrapped up, in the North of England, at that time of the year, ſhe was very near frozen to death; ſhe was mounted on a horſe behind ſomebody, in the dead of night, ſhe cannot tell who, ſhe rather thinks

it was Mr. Bowes; preſently Bourn, the Steward, joins them, and they went to the houſe of the father of this Mary Gowland, a harlot who lived with Mr. Bowes; ſhe was treated there moſt brutally. On the 13th of November, he ſaid it was in vain to reſiſt, I have you in my power, unleſs you conſent I will ſend for a mad doctor, I will put you on a ſtrait waiſtcoat; but, Gentlemen, any puniſhment upon earth, a ſtrait waiſtcoat, Bedlam, the moſt dreadful ſtate of a human being, appeared to her to be abſolute Paradiſe, in compariſon to living with Mr. Bowes. Gentlemen, he afterwards took her and dragged her over ſuch a country, covered with ſnow and ſleet continually; at laſt he found he had dragged her too far for his purpoſe, for ſhe was very near dead, ſhe was very near frozen; he took ſome gin, and ſhe inſtructs me to ſay, that it is a liquor ſhe had never taſted before, but in that ſtate of miſery, cold, periſhing, ſhe drank ſome of it; it warmed her, it kept her alive; he took her over mountains and precipices to Appleby, and had her put to the fire and ſhe recovered a little; there he took the name of Doctor Hopper, a mad doctor, with a lady under his care; the parties were then got to Appleby, and before I ſtate to you the further progreſs of this buſineſs, it will be neceſſary for me to relate to you the part that Thomas Bowes, the attorney took: about this time a letter had been ſent to Mr. Thomas Bowes, and from the receipt of that letter Mr. Ripon, who was his clerk, and whom I ſhall call as a witneſs, diſcovered a vaſt profundity of thought about him, a great deal of thinking, ſomething like what Salluſt ſpeaks of, who, I dare ſay, you have all read, walking very quick, and then very ſlow, marks of a perturbed mind, and he forbid his clerk from going into his office; Ripon thought that very extraordinary;—Gentlemen, that is but a circumſtance, but it will be for you to ſay, whether you do not believe he was at the bottom of this iniquitous tranſaction. I have related to you the circumſtance of the great coat, and another thing I ſhall be able to prove to you, that on the very day Mr. Bowes left Streatlam Caſtle, he was in the Caſtle, in cloſe converſation with Thomas Bowes; I cannot prove what they ſaid, but a very little time before Mr. Bowes went from the caſtle, he went into the chamber of Peter Orme, and cried out "Thomas, Thomas." Peter Orme ſaid, "My name is not Thomas." Peter Orme got up, and Thomas Bowes went into another room, and was in cloſe converſation with Chapman and Pigg. Gentlemen I ſtate theſe circumſtances to you, that you may be able to apply them when you hear them given in evidence, to ſatisfy your minds that he was a party in theſe tranſactions. The next day Bourn, the ſteward, who had gone off with Lady Strathmore and Mr. Bowes, came back to the Caſtle, Thomas Bowes and Orme continued in the Caſtle, the only two people that were left there; the Caſtle was ſhut up, and no creature was permitted to enter it—but there was an animal that is very apt to make his way every where, and that was a tipſtaff of this Court; he afterwards ſwore that he had ſerved Mr. Bowes—that was not true at that time—but this Thomas Bowes had made himſelf ſo very like Mr. Bowes, that Ridgeway miſtook, and it was very natural he ſhould; upon this Ridgeway cries out, "he wants Mr. Bowes, he is come with a Habeas Corpus, deſires to know if Mr. Andrew Robinſon Bowes is in the houſe;" to which Mr. Thomas Bowes ſays, "Mr. Bowes is not to be ſeen or ſpoke to." Gentlemen, that is not the conduct of an innocent man; but, in the courſe of the argument, one of my learned friends ſuggeſted, "Oh, Mr. Bowes was afraid of being arreſted for ten pounds," a contemptible idea! I will prove to you that Peter Orme found the information of the Court, and the Rules and Habeas Corpus, puſhed under the door, and gave them to Thomas Bowes, the attorney; why, Gentlemen, do you think he did not know an Habeas Corpus, but he burnt his fingers with them, and returned them to Peter Orme—ſays he, "take them, and put them where you found them." In the courſe of a little while, Lady Strathmore's friends got about, every body was in arms, every body was about the Caſtle, and Mr. Bowes had no curioſity about him, not the leaſt, and you are to ſuppoſe that Thomas Bowes, the attorney, was innocently locked up in this Caſtle, with Pigg and Chapman, Bourn and Orme; that Mr. Bowes was gone without his knowledge, and a mob of many hundreds, nay thouſands of colliers, and people who had remembered the father and family and worked there, were aſſembled thereabouts, were aſſembled for the purpoſe of dragging her from the hands of ruffians; yet he never aſks a ſingle queſtion, he keeps the Caſtle locked up, he himſelf is the Conſtable of the Tower, till Mr. Farrer came, who is a native of

the

the place, he admitted him to come in on his parole, for the purpoſe of converſing with him, and no one elſe;—Is this the conduct of an innocent man?—Is this the conduct of a perſon who ſuppoſed that every thing was fair and honeſt that was tranſacted in that Caſtle? Gentlemen, I find too that Mr. Bourn, the Steward, had not the curioſity to enquire neither. Gentlemen, there they continued till the 16th of November—was not he wanted at Darlington about his buſineſs? No, he had ſhut up his office, and forbid his clerk to enter; he certainly could have no great buſineſs tranſacting there, or at leaſt that ſort of buſineſs that would not bear the light—Gentlemen, if Thomas Bowes ſhould eſcape by the aſſiſtance of my learned friend Mr. Erſkine, and his aſſiſtance will be as great as any man's in our profeſſion; I ſay, if he ſhould eſcape by his aſſiſtance, it will be a very wonderful thing under theſe circumſtances, and I truſt it is what cannot poſſibly happen. Gentlemen, after Mr. Farrer had got admittance into the Caſtle, and then queſtioned thoſe gentlemen where is Lady Strathmore? both Bourn and Thomas Bowes poſitively refuſed to anſwer any queſtions at all; you will wonder why I take all this pains, but I know the arguments that will be made uſe of; I do not know that I ſhall have an opportunity of addreſſing you again—I know the impreſſion that will moſt probably be made by the eloquence of my learned friend. If Mr. Thomas Bowes had been an honorable and an honeſt man, why refuſe to anſwer fair queſtions put to him about Lady Strathmore? No—they both of them refuſe to anſwer interrogatories; that is juſt the thing we may expect from an attorney, ſo Bowes the Attorney ſaid to Mr. Farrer, upon his oath; Gentlemen—I ſhall ſupport this by evidence moſt clearly—they are not arguments founded upon imagination. I think it impoſſible for any man with any hopes of ſucceſs, to lift up his voice for the defendants, againſt ſuch evidence.—We muſt now return to Appleby—as ſoon as they left that place ſhe was taken on the road that leads to a place called Penrith, (and a few miles diſtant from the former place) he was informed that he was purſued; he immediately ſtopped and forced her out of the chaiſe, he put her behind Chapman on the horſe's bare back, and hid her in a cow-houſe, they bundled her in as a bale of goods—there is no talking of this with patience as a man. He then took her and dragged her over the top of ſome mountains that were covered with ſnow, till ſhe was very near periſhed; at laſt they arrived at Darlington, he found they were purſued, and found it would be in vain to continue his route; he came to Darlington about four in the morning on the 19th of November, and they went to Thomas Bowes's houſe; ſhe was kept a conſiderable time in the dark, and this honeſt man—this huſband! has indicted this Lady for perjury, for ſhe ſwore ſhe was kept in a dark room, and ſhe was put into a pig ſtye, and put into a ſtable—the fact was, ſhe was kept in a dark paſſage, frozen almoſt to death, and periſhing, her mind diſtracted, ſhe was taken into a ſtack yard where pigs were kept—not in a pig ſtye, but I ſhall call the farmer to prove there was a large herd of ſwine grunting round her—ſhe was kept with hogs, pigs, and ſows round about her—what could ſhe have thought? I will, for a moment, ſuppoſe her the moſt abandoned proſtitute that the earth ever produced, but for a man to treat a woman thus, what muſt be every honeſt man's ſenſations? With reſpect to her being put into a ſtable, ſhe was put into a ſhed where there were horſes, and yet theſe trifling trumpery things are made the ſubject of the indictment for perjury! and ſhe is to ſtand here to take the trial of her country, after you have diſpoſed of this caſe. Gentlemen, I aſk whether ſhe is not the moſt perſecuted woman that ever was? He took her from Thomas Bowes's houſe to Durham and Newcaſtle, and at that place he turned poſtillion in the way to Harlow-Hill in Northumberland; he there, at three in the morning, deſired the boys to drive him acroſs the country to Morpeth, in the ſame county; the boys ſtarted at it—Good God, Sir, it is as much as our lives are worth—we cannot go—we will not go, and they abſolutely refuſed to go, on account of the inclement ſeaſon—but leſs inclement than her perſecutor. This miſerable woman, that had been ſitting in the chaiſe in the ſtack yard for upwards of four long and tedious hours, almoſt frozen to death, worn out with famine and fatigue, while he and his companions, except one that was ſet to watch her, were gone into the hovel for ſhelter. On the boys refuſal, it was neceſſary for Bowes to take ſome ſtep himſelf, he therefore determines to return to Newcaſtle, and from thence went through Durham towards Darlington, but being cloſely purſued, they were refuſed horſes; nobody would venture abroad, as King Lear ſaid, "In ſuch a night as this to turn me out!" Good God, Gentlemen! Such monſters are too ſhocking to think of. In the ſtage between Durham and Darlington, they were refuſed horſes; Bourn the ſteward came

up

up and gave the alarm, and told him they were purſued, and I ſhall prove the ſteward ſaid the country people were up, and that Lady Strathmore will be reſcued: ſhe was then taken by Bowes, and he mounted her behind him, till at laſt, with the activity of the purſuers, and by that vigilant hand of Providence, that protects the innocent almoſt always; at laſt Mr. Bowes was taken with great hazard: He preſented a piſtol, or ſome other weapon, and threatened to put a countryman who attacked him to death; but this deterred him not, he was armed with that fearful weapon honeſty—Oh! they are dreadful odds!—a ſtraw in the hands of an honeſt countryman is equal to all the fire arms in the hands of Bowes, and Lady Strathmore was reſcued: when ſhe arrived at Mr. Farrer's he will tell you her ſituation, for I ſhould excite thoſe feelings that muſt divert your attention, and you would give way to that ſort of ſenſibility natural from the deſcription—but you ſhall hear it from the witneſs, and from thence you will collect the caſe; from ſeeing her when ſhe was brought back, from hearing every ſtage ſhe went through, and then you will judge whether he was from the 12th of November to the 20th living with her in a ſtate of *mutual cohabitation and forgiveneſs*!

Gentlemen, Lady Strathmore now brings this Caſe before my Lord and you, and I underſtand there is another indictment for perjury found againſt her at the Old Bailey, on Saturday laſt, Mr. Bowes applied for a Warrant; whether that indictment was well or ill founded I cannot tell—I only obſerve that men who are capable of aiding ſuch a man as this, are capable of ſwearing any thing, and by that, as well as all the reſt, you ſee the perſecutions, the ſcandalous perſecutions of this unhappy woman from her huſband—Gentlemen, I am afraid I have fatigued you, and that you will tire before the Cauſe is over; I will not call to you more witneſſes than is neceſſary—I believe I have here in this place people of all deſcriptions who have ſeen this tranſaction, who are come here as willing witneſſes to ſtate what they have obſerved in the caſe; but for the purpoſe of conviction it will not be neceſſary to call them all, probably I ſhall be able to ſatisfy your minds by calling to you a very inconſiderable number: Lady Strathmore has been thus compelled to bring them before my Lord and you, and I truſt you will afford her protection and aſſiſtance; that you will do it by your verdict of conviction, and when that is the caſe I do not doubt but the Court hereafter will ſee theſe defendants in their proper colours, and will treat them as they deſerve, and will teach them that ſuch glaring and audacious violation of the laws cannot in this country eſcape with impunity.

Dr. MARKHAM *ſworn, to prove the Marriage.*

Mr. LAW. Q. Did you examine that Paper with the Regiſter?
A. I did with the Pariſh Regiſter of St. James's, Weſtminſter.
Q. Is it a true Copy?
A. It is (the Paper contained a copy of the entry of the marriage between Andrew Robinſon Bowes, Eſq. and Lady Strathmore in the year 1777.)

MARK HOLMAN, *ſworn, (produces the Aſſignation Book of the Conſiſtory Court of the Biſhop of London.)*

Mr. GARROW. Q. What are you?
A. The Regiſter of that Court.
Q. Is there any cauſe now depending between Lady Strathmore and Mr. Bowes?
A. There is, that is the original Citation taken out by her Ladyſhip againſt him the 28th of February 1785, to anſwer to the Right Hon. Mary Eleanor Bowes, commonly called Counteſs of Strathmore, by reaſon of adultery and cruel treatment.
(*Mr. Stephens referred to his Aſſignation Book of the Arches Court of Canterbury.*)
Q. Is any cauſe now depending, or was it depending on the 10th of November laſt?
A. On the 10th of November 1786, it was waiting for the appeal to the Court of Arches, Mr. Bowes gave in an allegation of mutual forgiveneſs; that they had cohabited together ſince the 10th of November, and it is ſigned by him.
Mr. ERSKINE. Q. Have you all the proceedings of that Court here?
A. Up to that period, the Allegation is dated the 30th of November 1786.
Q. He did not ſwear to the truth of it?
A. No, he did not.

Peter

PETER ORME *ſworn.*

Mr. GARROW. Q. What are you?

A. A poſt-boy.

Q. Where did you live in October laſt?

A. At Stone, in Staffordſhire.

Q. Do you know Mr. Bowes, the defendant?

A. Yes.

Q. Relate where you firſt ſaw him.

A. At Stone, in Staffordſhire, in October laſt—On the 14th of October laſt, Mr. Bowes came to Stone, under the name of Colonel Mediſon: there were with him, Francis Peacock, who went by the name of Mr. Johnſon—there was one Charles Chapman and William Pigg, and another perſon whoſe name I do not recollect.

Q. State what paſſed between you, and Mr. Bowes, and theſe perſons at Stone?

A. There were no words paſſed with us at Stone, I drove him a ſtage, and he aſked me whether I wanted a place, the man did belonging to him—I told him yes; I ſhould have no objection to going along with a gentleman, and he hired me to be a groom to him—he ſent for me into the room, and hired me to be his groom; he told me he would give me twenty guineas a-year, and a guinea in hand, and accordingly he gave me a guinea in hand, and gave me directions to come to the Swan with two Necks in Lad-lane—I came, and ſaw Mr. Bowes there, on the Sunday; I came to London on the 15th, that was on Sunday—I ſaw Mr. Bowes the ſame day that I came to London—He met me at the Swan with two Necks, there were Peacock and Prevot—they took me to the Grand Hotel in Covent-Garden—I ſtaid there all night, the next morning I went to Norfolk-ſtreet, Strand, to No. 18.

Q. How long did you continue to live with Mr. Bowes, at Norfolk-ſtreet?

A. About a month.

Q. How was you employed?

A. To keep in the houſe—I ſtaid at home—I went out with him ſometimes.

Q. Did Mr. Bowes go out frequently?

A. Yes; they went out in Hackney coaches; they paſſed by the name of Colonel Mediſon—Peacock went by the name of Johnſon—Mr. Bowes was ſometimes diſguiſed in a ſailor's dreſs, and ſometimes he had a wig, a large wig, over his hair.

Q. Had they any arms with them when they went out?

A. Yes.

Q. What ſort of arms?

A. Generally a brace of horſe piſtols, and a ſmall-ſword, Mr. Bowes had.

Q. They uſed frequently to go out in Hackney coaches?

A. Frequently, with the blinds half-way up—they uſed to go to Hyde-park-corner, the King's-road and Chelſea—they looked about to ſee if they could ſee the perſons they wanted—they informed me it was ſomebody that had robbed Colonel Mediſon of his plate, and they were in purſuit of theſe perſons.

Q. Did your coach wait at the places?

A. Yes; ſometimes three, four, or five hours.

Q. At that time who has been in the coach?

A. Sometimes Mr. Bowes in one coach, and ſome of the men in another—Chapman, and Peacock and Prevot.

Q. How often were theſe ſort of things repeated?

A. They uſed ſometimes to go out every day.

Q. What buſineſs did you do then?

A. I went out with them ſometimes.

Q. Do you remember being with them on the 23d of October, in Bloomſbury-ſquare?

A. Yes, Sir; it was on a Sunday, but I cannot tell the date—there was Colonel Mediſon and Mr. Johnſon, and a little man along with them, I ſhall know him when I ſee him, it was not Lucas.

Q. What did you do that day?

A. I drove

A. I drove them—I cannot tell where I drove them to; but I followed a carriage by Mr. Bowes's direction—I have ſince learned whoſe carriage it was—he ordered me to follow it where it went to.

Q. Whoſe carriage was it?

A. Lady Strathmore's, I underſtand now?

Q. Did you go with Mr. Bowes to Eaton at any time?

A. Yes—I cannot tell the day of the month; it was the evening of the ſame month that I followed Lady Strathmore's carriage; we left town about ten in the evening—there was Mr. Bowes, Prevot, me, and John Bickley; Bickley and me went on ſaddle horſes, Mr. Bowes and Prevot went in a poſt-chaiſe—we got to the Cock, at Eaton, between ſix and ſeven in the the morning—me and Bickley were left there, Mr Bowes and Prevot went forward to the North road—we continued there till the Saturday following, then I ſaw Mr. Bowes, he came between ſix and ſeven in the morning, Prevot came back with him, then we came to town, altogether, the ſame way we had gone down.

Q. Did you return to Norfolk-ſtreet?

A. Yes.

Q. Did you continue living there in the ſame manner you had done before?

A. Yes.

Q. How was Bowes dreſſed then—He was the Colonel ſtill?

A. Yes, Sir—He had a drab great coat on, and a pair of trowſers.

Q. Had Mr. Bowes his own hair?

A. Yes—then he had a wig on—I returned toLondon, and continued in the ſame way I had before.

Q. State all the proceedings of the day Lady Strathmore was taken.

A. It was the 10th of November, I believe it was in the morning, he ordered me to get a pair of horſes from Water-Lane, I had a pair of bay horſes; he ordered me to take them up to St. Giles's and get a chaiſe, and wait at the Turnpike at Tottenham-Court, on the road to Barnet, till he came up; I waited there about four hours, I got there between ten and eleven in the forenoon, I ſaw Mr. Bowes between two and three in the evening; there came a large carriage full ſpeed, and a hackney coach after it. Mr. Bowes beckoned me with his finger to follow him with the poſt-chaiſe, Mr. Bowes was in the hackney-coach, the other coach I have ſince learned was Lady Strathmore's; I followed and drove till I came half way up Highgate-Hill, then Mr. Bowes got out and got into the poſt-chaiſe; there was Prevot and Johnſon, that is Peacock, and Chapman, and William Pigg was behind my Lady's carriage.

Q. In what manner was Mr. Bowes dreſſed at that time?

A. He was in black cloaths.

Q. Any diſguiſe?

A. No, but when he paſſed me at the Turnpike he had his great wig and his drab coloured coat on, he pulled that off, and came into my poſt-chaiſe; then I went up Highgate-Hill, and ſtopped at Highgate; at Highgate my Lady got out into a room there, and threw up the ſaſh, and cried out murder, ſeveral times; I cannot ſay whether it was Mr. Bowes or Lucas that pulled my Lady away; I had ſeen Lucas before in Norfolk-ſtreet, he had been ſeveral times with the Colonel, towards the latter part of it Lucas was very frequently there. At Highgate after her Ladyſhip came out of the houſe, they took and put her into her own coach, Colonel Mediſon got in with her and Lucas; there was a Gentleman with her Ladyſhip, he got in and went a little way with her from Highgate; I drove the poſt-chaiſe, in that there were Peacock and Prevot, and that little man whoſe name I do not know; we drove to the Red Lion at Barnet.

Q. Were any of theſe perſons armed at this time?

A. Yes, they had arms in the chaiſe with them.

Q. In both the carriages?

A. Yes, I believe Lucas had a piſtol of Mr. Farrer's, they had all of them arms; we went at laſt as far as Streatlam Caſtle.

Q. How long was you performing that journey?

A. I cannot tell how many hours; my Lady cried out murder, ſhe refuſed to get out—ſhe cried out murder—Mr. Bowes and Chapman put her in by force; ſhe ſeemed much changed in colour, and to go much againſt her will.

Q. She ſeemed much agitated?

A. Yes.

Q. During

Q. During this time, you ſay, you took Mr. Bowes to be Colonel Mediſon?

A. Yes, I firſt diſcovered him at Barnet; a gentleman came up on horſeback, and aſked if that was not Mr. Bowes and Lady Strathmore.

Q. What day did you get to Streatlam Caſtle?

A. It was on the Saturday night; I continued there and ſaw Mr. Bowes on the Sunday morning walking about in the paſſage at Streatlam Caſtle, I continued there four days; I do not remember the time when Lady Strathmore was carried away from there—I was in bed. I left London the 10th of November, and got there on Saturday night—I do not remember her being taken out of the Caſtle.

Q. Do you remember Mr. Thomas Bowes?

A. Yes, I know him now.

Q. Do you remember ſeeing him at Streatlam Caſtle?

A. Yes.

Q. Was he there while Lady Strathmore was there?

A. I cannot tell, I ſaw him there on the Monday morning when I came down ſtairs from the room; he came to me in the middle of the night, he came into the room—I was in bed, and he called out Thomas, Thomas, ſeveral times, Thomas—I told him my name was not Thomas, ſo he went into the next room, to the men in the next room, where Chapman and Pigg lay, and a man of the name of Joſeph; he continued there ſome time with them—they had ſome converſation which I could not hear.

Q. When did you come away from Streatlam Caſtle?

A. On Thurſday.

Q. Had you any converſation with Mr. Bowes on the Monday morning after he came into your room?

A. Yes, he came into the room and he aſked me to ſit down, ſo I did; I aſked him whether the French ſervant was got up, he ſaid he was not; I began to be uneaſy to think that I could not ſee any body, there was nobody in the place.

Q. Had you any idea of the plan, or did you mean to aſſiſt?

A. Not the leaſt in the world.

Q. Have you ſeen Lucas lately?

A. Yes, I ſaw him the night before laſt.

Q. Where?

A. At Mr. Conner's, the Mitre at Barnet; I live at preſent with Mr. Broughton, at the Red Lion—Conner ſent for me the night before laſt.

Q. Had you any converſation with Conner or Lucas, in the preſence of Lucas?

A. This was before I ſaw Lucas.

Q. What paſſed between you and Lucas the night before laſt?

A. Mr. Conner ſaid to Lucas, this is the young man that I believe was ſervant to Mr. Bowes—ſays he, I do not recollect him—ſays I, if you do not, I recollect you when you got out of the carriage at Stilton;—ſo he ſaid, indeed young man I do not recollect you; ſo he turned up his eyes at me, ſo, with his ſpectacles, and he called for ſome brandy and water, and aſked me if I ſhould like to ſee Mr. Bowes, he was ſure Mr. Bowes would ſatisfy me for my trouble, and the wages he owed me, and every thing, if I would go with them; I told them that I muſt be here, and they ſaid I had no occaſion to do that, if I had a mind to be out of the way—Conner ſaid that in the hearing of Lucas.

Q. Did they ſay any thing more about it?

A. No, Sir; I live at preſent with Mr. Broughton—they aſked me how long I had lived with him, I told them a little before Chriſtmas.

Q. Did Lady Strathmore appear to be going with her will?

A. No, it was againſt her will; and ſhe cried out murder in ſeveral places, and particularly at Stilton—ſhe was forced into the carriage againſt her will by Mr. Bowes and another.

Q. Do you remember ſeeing any paper at Streatlam Caſtle while you was there?

A. Yes, I found a paper that had been put under the door; I took it to Mr. Thomas Bowes, and he ordered me to put it where I had it.

Q. What did he ſay?

A. He ſaid, you go and take that where you had it, for I have nothing to do with it.

Q. That was before the perſons came in to ſearch the houſe?

A. It might be about three or four hours the ſame day, it was a paper with ſome writing upon it; I found it about nine.

Q. Was

Q. Was you there when Mr. Farrer came in?
A. Yes, I was.
Q. Did you hear any body from without demanding entrance?
A. Yes, I heard ſomebody demanding the body of Lady Strathmore?
Q. Was that demand made before you found theſe papers?
A. It was after—it was made ſeveral times—I know Mr. Bourn, I ſaw him at the Steward's room in Streatlam Caſtle, he continued there till Mr. Farrer got in—I heard no particular converſation.

Mr. ERSKINE. Q. You was hired, you ſay, by Mr. Bowes in the character of Colonel Mediſon?
A. Yes.
Q. You came to town and acted perfectly innocent, as far as your own notions went?
A. Yes.
Q. You did not know who Lady Strathmore was?
A. I did not.
Q. You did not know Lady Strathmore was the wife of Mr. Bowes?
A. No, that was not communicated to me.
Q. Nothing of that ſort?
A. No, Sir, it was not.
Q. When you came to Streatlam, of courſe you knew who Mr. Bowes was?
A. Yes?
Q. When did you firſt know his name was Bowes?
A. At Barnet.
Q. When did you firſt know ſhe was his wife?
A. At Barnet.
Q. Then you knew that Mr. Bowes was carrying his wife in this manner?
A. Yes.
Q. And you made no complaint to the inn-keeper for the purpoſe of reſcuing this Lady?
A. No, I did not.
Q. When you came to the Caſtle, Lady Strathmore and Mr. Bowes went into the apartments in the Caſtle?
A. Yes.
Q. I ſuppoſe you did not go with them?
A. No.
Q. Did you ever ſee them at Streatlam Caſtle?
A. I ſaw Mr. Bowes on the Sunday morning, but I never ſaw her Ladyſhip afterwards?
Q. Then how ſhe was treated there you cannot tell?
A. I cannot tell.
Q. Mr. Thomas Bowes came into your room?
A. Yes, between twelve and one.
Q. And called out Thomas?
A. Yes.
Q. And then went into the room with the other two people?
A. Yes.
Q. You had no converſation at all with Mr. Bowes?
A. Yes, on the Monday morning.
Q. How did Lady Strathmore get out of her carriage?
A. She walked out, and as ſhe was going into the Caſtle ſhe cried out ſome time.
Q. You did not ſee Mr. Bowes till he came into your room?
A. Not Mr. Thomas Bowes, I did not.
Q. You never ſaw Lady Strathmore again?
A. I did not ſee them together.

JURY. Q. During the time you was in the ſervice, did you wear the regular livery of Mr. Bowes?
A. No, I wore my own cloaths.
Q. What was the diſtance that you drove from three to the next night?
A. I cannnot tell, about 240 miles.

Mr.

Mr. ERSKINE. Q. There was a great mob for ſeveral days?
A. Yes.
Q. Fires lighted?
A. Yes.
Q. And threats to the people in the Caſtle?
A, No; no threats—There might be an hundred people—The doors were ſhut and faſtened within ſide.
Q. Did not a vaſt number of people call out that they would have Lady Strathmore, dead or alive?
A. They did.
Q. Did you hear them ſay what they would do to Bourn?
A. No.
Mr. GARROW. Q. Were the doors faſtened before the mob aſſembled?
A. Yes.
Q. As ſoon as you got in?
A. As ſoon as I ſaw them come about.
Q. What ſtate were the window-ſhutters in?
A. They were all faſtened with iron bars.
Q. So the Caſtle was in darkneſs?
A. Yes.
COURT. When you went from London to Barnet, was Bickley with you on the 10th of November.
A. Yes; he rode in the Hackney coach.
Q. Who were in the coach with Lady Strathmore?
A. Mr. Bowes and Lucas—he got into the coach at Highgate.
Q. Who came out of the coach in which Lady Strathmore was?
A. Captain Farrer, as I underſtand his name was.
Q. In the ſecond coach there was Bickley. Who drove the coach?
A. I do not know—there was Bickley in the Hackney coach, and nobody elſe in the Hackney coach—I drove Mr. Prevot and the little man, whoſe name I do not know, and Peacock, called Johnſon.
Q. And Mr. Bowes came into your chaiſe before you got to Highgate?
A. Yes—the middle of Highgate-hill, and Lucas got into the coach.
Q. Did all the other three go into the Hackney coach then?
A. Yes.
Q. Was Lucas there?
A. Yes—he got into my Lady's carriage at Highgate; he went in the Hackney coach to Highgate—I ſaw Lucas firſt at Highgate—I don't know that I ſaw him before I ſaw him at the Red Lion at Highgate:
Q. How he got to Highgate you do not know?

Mrs. BLAND *ſworn.*

I have a houſe in Norfolk-ſtreet, No. 18. In October that houſe of mine was taken by a Gentleman, who did not mention any name—I aſked of the ſervant, and, as I underſtood, his name was Colonel Meddiſon or Morriſon—there were three gentlemen—I was not in the houſe—the Gentleman did not mention any name himſelf—he went there by that name—Mr. Bowes is that Gentleman—there was a tall Gentleman, Mr. Peacock, he went by the name of Johnſon, I believe; he came about the 14th or 15th of October, they would have been a month on Mondy—they went the 11th of November.

ROBERT CRUNDEL *ſworn.*

I am footman to Lady Strathmore—I have lived with her above two years laſt October—ſhe lived in Bloomſbury-ſquare.
Q. Do you recollect at any time making obſervations of any thing that paſſed in the ſquare—of carriages with blinds up?
A. Yes—I ſaw a carriage waiting the other ſide of the ſquare, I believe the blinds were up, the oppoſite ſide of the houſe—I was ſent to ſee whether there was anybody in it that I knew—I had my livery on, and the carriage drove on.

Q. Was this in October?
A. I do not recollect the time—I think it was.
Q. How long before Lady Strathmore was carried off?
A. Better than a fortnight.
Q. What day of the week was it?
A. I believe it was on the Saturday—I am not ſure.
Q. Did you, in conſequence of this, give any alarm?
A. I told my Lady, when I came to the bottom of Southampton-ſtreet, I ſaw a perſon look out that I thought was Mr. Bowes, and I told Lady Strathmore.
Q. What happened on the 10th of November?
A. I went with Lady Strathmore that morning—Daniel Lee drove her.
Q. Had he been a ſervant long, or lately come to her Ladyſhip?
A. He had been ſome time, but not ſo long as me.
Q. Who was with her Ladyſhip in the carriage that day?
A. There was one Mrs. Morgan, a companion to my Lady, and Captain Farrer.
Q. She keeps her Ladyſhip company?
A. She does.
Q. Was you moleſted by anybody?
A. Yes we were—When we ſtopped in Oxford-ſtreet, at Mr. Foſter's, he is an ironmonger, as ſoon as we ſtopped there, one perſon came and took hold of me, and told me he would take me to priſon for following a perſon about of the name of Cummins, and threatening to take his life away—I did not know any ſuch perſon—I never had ſo threatened any body—that was a falſe charge—and before we ſet out, Edward Lucas came to our houſe, he ſaid he had not ſeen anybody watching about, and he thought there was no call for the men to be continued—they had paid Lucas twelve ſhillings that morning—Lucas aſked me whether Lady Strathmore was going out that morning—I told him I did not know—upon this I ſaw Lucas in Oxford-ſtreet, I thought he was come to protect Lady Strathmore—we were taken away and carried before one Mr. Juſtice Walker—as ſoon as ever Lucas came up he opened the coach-door, and took a piſtol out of the carriage—Captain Farrer went into the houſe with Lady Strathmore and Mrs. Morgan, and left his piſtol in the coach—I had drawn up the blinds.
Q. Who went with you?
A. Daniel Lee—Nobody appeared againſt us, and we were all diſmiſſed—this Cummins was the ſame man that went by the name of Charles Chapman—the conſtable pointed the man out to me, that was one Saunders, that was Chapman that I ſaw in this Court.
Q. At any time before this had you ſeen Bickley any where?
A. Yes.
Q. When was that?
A. I really do not know—I ſaw Prevot, Bickley, and another, get out of a coach—the carriage had been out to Chelſea—Lady Strathmore was not with it—they went down to the water—Prevot and Bickley hid themſelves.
Q. How long was it before ſhe was taken away?
A. A week, or better.
Mr. CHAMBRE. Q. What was Mrs. Morgan? Was not ſhe a cook?
A. No, Sir; I do not know that ſhe was.
Q. Who was the perſon that threatened to take you before the Juſtice for threatening the life of one Cummins?
A. Meacham and Saunders.
Q. How was the perſon dreſſed you call Cummins?
A. He was dreſſed in a green pluſh coat?
Q. Did you ſee him afterwards in this coat?
A. He was dreſſed in a black coat—I am ſure he was the ſame perſon.

DANIEL LEE *ſworn.*

I was coachman to Lady Strathmore—I ſaw coaches frequently about the ſquare and other places, following her carriage.
Q. What was there particular about this carriage?
A. Seeming to be pointing towards her Ladyſhip's houſe, the blinds were drawn up, apparently to me to be peeping through the little glaſſes, and likewiſe the glaſs

glaſs behind, I know Lucas the conſtable; I cannot tell you the day when he was firſt introduced, it might be eight or ten days before ſhe was taken away; firſt he came to me about a fine dog that he had, that I believe was ſomewhere about the firſt of November, he began about obſerving the faſtnings of the doors being very ſtrong, yes, ſir, ſays I, We have need enough of it; he ſaid, what was the matter? I told him then that there had been three people that I ſaw come up to the ſtable door, I followed them down, I ſaw three people a little bit before that, I cannot tell how many days they came down Little Ruſſel-ſtreet, I followed them down, and ſaw them pointing up to the ſtable-door, which gave me great fear, that I would not go in that way; I was buſy at work, and was telling him of a man whoſe name is Pritchard, ſtopping me in Holborn; ſays Lucas, ſhould you know him again?—Yes, ſaid I, I ſhould.

Q. In conſequence of this converſation was Lucas employed by Lady Strathmore?

A. He was

Q. Was you preſent?

A. No, I was not, this inſtrument Lucas gave me to protect the houſe, he told me he was employed to protect her ladyſhip, and the houſe, and he thought it his duty to do ſo, and he would to the utmoſt of his power; he came backwards and forwards after he undertook that office ſeveral times, I met him the day ſhe was taken off at the Hole in the Wall, under a gateway—he ſays—Good morning to you, ſir—Good morning to you, ſays I;—there was an additional watchman put on, and he ſays there is no occaſion to continue that watchman; ſays I, I think not; that was on Friday morning the 10th of November; then he ſaid he paid him two ſhillings a night, he could not give him leſs, and he diſcharged the man, and he was to be paid at Chriſtmas very handſome for his trouble; he aſked me if I was going out, I ſaid I did not know—I went out afterwards with her Ladyſhip and was ordered to Mr. Foſter's in Oxford Road; there were Mrs. Morgan, her Ladyſhip, and Captain Farrer; her Ladyſhip got out, and immediately as ſhe was out of the carriage Saunders the conſtable got up on my right hand on the box, I hit him on the hand, and bid him get down, I looked round to ſee that her ladyſhip had got in ſafe—I bid him get down, he ſaid, no, damn you, I will not get down, I have a warrant againſt you, and he ſhewed me the piece of paper, and I ſtopped, he took me and my fellow ſervant into cuſtody—I did not ſee Lucas there at that time, they took us to the juſtice's, I ſaw Chapman there, I know him now; the Conſtables pointed to him as the man, I have ſeen him here ſince, he is the ſame man, I was carried to the juſtice's, nobody ever attended to charge me, I never ſaw Chapman before in my life.

Q. What ſtate was her Ladyſhip in at that time?

A. She did not go out for ſix weeks and more, except twice to Weſtminſter-Hall.

Q. Was ſhe able to get out of her carriage without help?

A. No, ſhe was not.

COURT. Q. Had you any converſation with Chapman when you were taken into cuſtody?

A. Not a word.

Q. At the time he was by the horſes?

A. No, I aſked him to take hold of the reins, he never ſaid any thing that I heard, only I aſked him to take hold of the reins.

WILLIAM SAUNDERS *ſworn.*

Q. What are you?

A. A Conſtable.

Q. Do you remember on the 9th of November laſt any application that Lucas made to you about any particular buſineſs?

A. Yes, on the 9th of November, between eight and nine in the evening, one George Meacham came to me from him, I went to him, Lucas was in the parlour at the houſe he aſked me if I ſhould be buſy to morrow, I told him I wanted to go to Smithfield, he told me ſays he if you will go along with me to-morrow I will give you a guinea on ſome particular buſineſs, and he ſaid he would give Meacham

cham a guinea to go with him; Lucas called for ſome punch, and we drank, I was to meet him the next morning at Harwood's, I went the next morning and knocked at the door, and in came Lucas; ſays he, Saunders come over to Smith's at the Yorkſhire Grey, that is in Hart-ſtreet, Bloomſbury; accordingly I went with Lucas to Smith's, at the Yorkſhire Grey—I went up ſtairs, and who ſhould I ſee but this little coachman Broad, Lucas aſked us to have ſomething to drink that morning, we had a pint of purl, Meacham was not there, ſays Lucas damn it why does not Meacham come, preſently Meacham came to the corner of Hide-Street, Lucas threw up the window and beckoned him, accordingly he came up ſtairs, Lucas went backwards and forwards about the room, and began to damn and ſwear that the other people did not come, preſently there was a coach came out of Holborn in Lion-Street, ſo preſently he goes down and John Cummins comes up for one, ſays Lucas I am glad you are come, ſo Lucas and he went to the farther part of the room, they came back again, ſays Lucas, Mr. Saunders this man has got a warrant, (pointing to Chapman) Lucas gave me the warrant to look at, I looked at it *(here the witneſs read the warrant.) This is the warrant.* Lucas took the warrant back again and walked up and down the room two or three times backwards and forwards, and preſently goes and calls a hackney coach; between twelve and one a coach paſſed, ſays Lucas, come down we are all ready my boys, this man Meacham, Cummins, Lucas, a little man and me got in, now ſays Lucas drive on as faſt as you can and every corner you come to halt a little.

Q. Did you purſue in this hackney coach Lady Strathmore's coach?

A. We went up as far as the Pantheon, Lucas gave me the warrant, ſo when we got out of the coach, I ſaid to Chapman be ſo kind as to ſhew me the priſoners, ſays Chapman that coachman (pointing to my Lady's coachman) and the footman, ſo I went to him and ſaid how do you do coachman, ſays he, get down, damn it my Lady is juſt gone into that houſe; ſo I told him I had a warrant and I called upon Meacham to aſſiſt me in the King's name, and he did and put them into a hackney coach, we deſired Cummins to come to the office directly, he ſaid he would, we went to Mr. Walker's office and took the priſoners there, but Cummins did not come, and they were diſcharged, we waited there a quarter of an hour.

MR. JUSTICE WALKER *ſworn, (looks at the warrant).*

That is my warrant, it was granted upon an information laid before me.

MR. GARROW. Q. Did you take any information in writing, Sir?

A. No farther than that there was a complaint made before me by one John Cummins, I aſked him whether he was ſure he was afraid, his anſwer was he was ſure, for it was time for him to be afraid as he ſtood with a piſtol at his head; I have known Lucas ſome years, he attended my office at that time.

MRS. MORGAN *ſworn.*

Q. You are acquainted with Lady Strathmore?

A. Yes.

Q. Do you recollect one Lucas previous to the time ſhe was taken away, have you ſeen him and ſpoke to him?

A. Yes.

Q. Had he been employed by Lady Strathmore for any purpoſe and what?

A. For the purpoſe of guarding her Ladyſhip's houſe; on the 10th of November I went out with Lady Strathmore, on that day I did not ſee him till I ſaw him at Mr. Foſter's.

Q. Who was in the coach with Lady Strathmore and you?

A. Captain Farrer, he had a piſtol with him; by the deſire of Lady Strathmore we went to Mr. Foſter's in Oxford-Street, we went up ſtairs into the room and locked ourſelves in, becauſe we ſaw a mob round the door, and ſaw ſomebody lay hold of the coachman and footman: while we were in that ſtate Lucas came to the door, he called out my dear Lady here is Lucas your friend, let me in, the door was faſt, he was let in by one of us, he told Lady Strathmore not to be afraid for there was a hundred people after her, and they had taken away her coachman and footman, and ſhe might depend upon it at the peril of his life he would take care of her, in conſequence of this ſhe went down ſtairs with Lucas, he had hold of Lady Strathmore's

more's arm, he ſaid nothing to me then; when we got down ſtairs he ſaid Lady Strathmore was his priſoner, he did not ſay then what for, but immediately after he ſaid he had a warrant againſt her, ſhe was exceedingly alarmed, I then ſaid myſelf to Lucas, can you ſeize a counteſs as you can a common perſon? ſome more words paſſed, Lucas ſaid it was at the peril of his life and ſhe muſt go with him, I then ſaid Mr. Lucas then why did not you let Lady Strathmore know this, and he ſaid upon my ſoul I did not know it five minutes before, I undoubtedly thought him the friend—he had been paid twelve ſhillings that morning. Mr. Lucas told me there was a warrant alſo for me, and the beſt thing I could do was to make my eſcape; I then aſked him if I might not be permitted to ſpeak to Lady Strathmore—he ſaid, yes—I then told Lady Strathmore I would go out the back way, and ſend Mr. Lacey to her, the Attorney—I went away ſoon after.

Q. Did you ſee her Ladyſhip ſoon after?

A. I ſaw her on her arrival.

Q. What condition was ſhe in?

A. I can ſcarcely deſcribe her condition, ſhe was ſo altered, ſo full of mud, and dreſſed in an old bed gown—I have kept the cloaths ſhe had on ever ſince (*a red petticoat, a coloured apron, an old bed gown, and an old bonnet produced*) that was the dreſs ſhe came home in.

Q. Did you examine her perſon, to ſee if there were any marks of violence about her?

A. She ſhewed me her breaſt, there were ſeveral black marks and bruiſes on her breaſt, and one of her temples was diſcoloured with marks and bruiſes.

Q. Was you preſent at the time the articles were drawn?

A. Yes.

Q. What condition was ſhe in?

A. She was ſo feeble ſhe could not write, but dictated.

Mr. FIELDING. Q. How long have you lived in the ſervice of Lady Strathmore?

A. Since the 18th of May, 1784.

Q. What capacity did you firſt come into the ſervice?

A. As her woman.

Q. And have ſo continued till this time?

A. Yes.

Q. Has Lady Strathmore been viſited by many Ladies of late, within the laſt twelve months?

A. By ſeveral.

Q. You are pretty much in her intimacy and company?

A. I have been.

Q. Is it the cuſtom for you to be in company with her the moſt part of the day?

A. Yes.

Q. Is it the cuſtom for you to be in the ſame room with her at reſt?

A. I ſleep in the next room to her, with the room door open.

Q. Does any body lay in the room with Lady Strathmore?

A. Not in the room.

Q. There is nobody but yourſelf in that room that adjoins?

A. No, the door is always open.

Q. You had an opportunity of knowing pretty much the ſtate of Lady Strathmore's mind, and the ſtate of her ſpirits for the laſt twelve months?

A. Yes.

Q. Have you taken her to be regular in conducting herſelf, does ſhe ſeem to have the command of her reaſon?

A. I think ſhe has a very good command of her mind—I do not know any Lady that has ſo much poſſeſſion of her mind.

Q. Then I am going to aſk a very ſtrange ſort of a queſtion—if that be the caſe, you will inform me, whether my ſuggeſtion has any ſort of foundation, has ſhe ever thought of treating with conjurors or ſorcerers?

A. I do not believe there is ſuch a thing as a conjuror.

Q. Have you ever had any converſation between you about there being ſuch a being that can foretell human events?

A. I do not believe there are any ſuch.

Q. Did you ever hint to her that there are ſuch people as fortune-tellers.

A. There

A. There was a circumſtance, that Mr. Bowes had loſt a diamond ring, and a man was accuſed of it; and I ſaid to this man, I wiſh I was in England, merely to ſee whether I could collect any thing from his countenance; ſays I to him, there are ſuch people in England that could make people bring the ring and lay it on the table.

Q. Then you yourſelf have a little faith in theſe people about fortune-telling?

COURT. Q. Can this be material any way in the world.

A. Yes, my Lord, in a matter that may come on hereafter in this proſecution.

Mr. ERSKINE. Q. As far as ſhe has ſpoke, it certainly is not material.

Mr. FIELDING. Q. I have been diſappointed in what I expected—have you known the ſtate of Lady Strathmore's expences of late?

A. Yes.

Q. Is ſhe in debt?

A. She has nothing of her own, and conſequently muſt be in debt.

Q. Has it happened to you to know the amount of her debts?

A. I can tell pretty nearly.

Q. To what amount are her debts in the laſt two years?

Mr. MINGAY. I object to this—Does your Lordſhip think it is material, or relevant, or admiſſable evidence, for this Lady to be croſs-examined about it.

COURT. The Court muſt rely on the candour of the Council, that they will not aſk queſtions that are improper, if the Gentlemen think ſo.

Mr. FIELDING. I take it for granted, that part of Mr. Bowes's defence will be, that there has been a conſiderable degree of extravagance.

COURT. Then I am decidedly of opinion for rejecting the evidence, if it is not material in this trial you ſhall not have liberty to put the queſtion.

Mr. ERSKINE. I am ſure, hitherto, your Lordſhip can have had no reaſon to complain of our deviation; if on the part of this proſecution thoſe mere naked circumſtances which go to the conviction of the defendant, or of all the defendants, upon all the counts, were ſingly relied upon by my learned friend—if they did not go into the matter of extreme aggravation, perhaps a good many of the queſtions now about to be aſked, might be ſpared; but as the motive of Mr. Bowes for conſpiring with others to ſeize the perſon of Lady Strathmore is very material in this iſſue, and as there are ſome occaſions that juſtify a huſband in taking his wife, though perhaps none in thoſe circumſtances of violence that have been hitherto proved, but which the Court cannot take it for granted that they will not be contradicted; whether it was not legal in them to ſeize her perſon, though not accompanied with thoſe acts of terror and violence that have been introduced into the caſe; for if this caſe ſhould be ſtripped of all the aggravations, and leaving it nakedly to this point, that a huſband in the courſe of doing a legal act, has conducted himſelf illegally—I am not diſpoſed to go out of the caſe, I only want to know the way in which Lady Strathmore was living at the time Mr. Bowes conceived this idea.

COURT. I cannot think it ſtrikes me at all applicable to this caſe.

Mr. FIELDING. Q. Captain Farrer had been in the habit of going abroad with this Lady as her guard—he has called on her frequently, and has carried arms?

A. Yes.

Q, How long has the acquaintance been between Lady Strathmore and Captain Farrer?

A. Captain Farrer has known Lady Strathmore from her childhood, and her Ladyſhip's family from his infancy.

EDWARD CROOKE *ſworn.*

Mr. GARROW. Q. You keep the Pyed Bull in Little Ruſſel Street?

A. Yes, cloſe by Lady Strathmore's ſtables.

Q. Do you know this Gentleman? *(pointing to Mr. Bowes)*

A. Yes, I have ſeen him.

Q. Have you ſeen Peacock?

A. No, Sir, I ſaw Mr. Bowes.

Q. Perhaps you know him by ſome other name?

A. No, Sir, I ſaw this Gentleman at the Crown and Anchor; there were three gentlemen came to our houſe one night, one in a ſailor's dreſs, the others I do not know what dreſs, like gentlemens ſervant's—they called for a pot of beer—they came

on

on foot, I do not know who they were, after that they called for a ſhilling's worth of gin and water.

Q. What did you do in conſequence of their calling?

A. If I do not begin at the firſt I cannot go on—they wanted to ſleep all night, I told them I had no lodging, they aſked if they could dine there the next day, I told them they might, they ſaid bread and cheeſe would ſerve them, a hackney coach came the next day with three men in it.

Q. Who came on the ſecond day?

A. I cannot tell.

Q. How were they dreſſed?

A. I cannot tell I am ſure, they enquired if any perſons had been at the houſe the night before, I told them there were, they ſaid they had been robbed at ſome place or other, and that they had a lodging ſomewhere about there, and would be glad to have them taken up, I told the gentlemen in the coach they wanted to lodge with me, they ſaid they wiſhed they had.

Q. Did theſe people in the coach make any appointment with you to go to Norfolk-ſtreet.

A. They did.

Q. What was you to go to Norfolk-ſtreet for?

A. They told me to come down to the Crown and Anchor in the Strand, and to aſk for the Juſtice to-morrow morning, and to clean myſelf; accordingly I went to the Crown and Anchor, but I went firſt to ſpeak to Mr. Lucas, he was not with them at the time, I told Mr. Lucas there were three gentlemen after the men that had been at our houſe the night before, and I ſuppoſed that there had been ſome robbery.

Q. Where did you ſee Lucas?

A. At his own houſe; Lucas ſaid, tell the gentleman that I belong to the office, and if they want any body taken up, I will do it, ſo I told him I would tell them; then I went to the Crown and Anchor and aſked for the Juſtice, the gentlewoman ſhewed me into the parlour, there were three gentlemen—I do not know who they were—I believe Mr. Bowes was one of them.

Q. How was he dreſſed.

A. I cannot tell, I do not remember whether he had his own hair or a wig, I have known Lucas two or three years before.

Q. Have you ſeen him lately?

A. I came here with him this morning.

Q. When did you ſee Mr. Bowes laſt?

A. I do not know, I have not ſeen him ſince, I cannot tell whether I have ſeen him or not.

Q. Have not you ſeen him within this week?

A. I cannot tell I am ſure, I think I ſaw Mr. Bowes a little while ago at Mr. Lucas's.

Mr. MINGAY. Go along, I will not aſk you another Queſtion.

Captain FARRER, *ſworn.*

Mr. LAW. Q. I believe you have ſeen Lucas before the 10th of November?

A. Yes, ſir, I viſit at Lady Strathmore's.

Q. Did you ſee him in company with Lady Strathmore?

A. Yes.

Q. Do you know in what ſituation he was?

A. I underſtood he was employed to detect people that were lurking about the houſe; on the 10th of November I went out in the morning of that day with Lady Strathmore, ſhe ſignified a deſire to go out an airing, but was apprehenſive of ſo doing, as ſhe heard Mr. Bowes intended ſeizing her, we went to Mr. Foſter's in Oxford-ſtreet, when we got there on ſtopping at the door there were a number of people ſurrounded the place, Lady Strathmore and Mrs. Morgan went into the ſhop of Foſter, and I followed her, and Lucas came after, there were ſome men, which I ſuppoſed to be conſtables, who took the coachman and footman away under a warrant.

Q. Did you go into the houſe then?

A. I went

A. I went into the ſhop of Mr. Foſter, and Lady Strathmore and Mrs. Morgan ran up ſtairs, there is a door which communicates into the ſhop, I ſaw Lucas knocking at that door, I heard him ſay my lady do not be alarmed, here is Lucas your friend, I do not immediately know whether the door was opened, upon that I went out immediately to ſee what was become of the coachman and footman, when I returned I ſaw Lady Strathmore and Mrs. Morgan come down with Lucas, her Ladyſhip continued in the ſhop in very great agitation and fear, reſpecting this buſineſs, then Lucas ſaid he had a warrant for her, that he would protect her Ladyſhip to the utmoſt of his power, he ſaid he was to carry her to the Juſtices.

Q. Who had got poſſeſſion then of Lady Strathmore's coach?

A. When I went out there was a man of the name of Broad that was on the coach box, I aſked him what he did there, and if he took poſſeſſion of the coach? He told me I ſhould know; Lady Strathmore was in very great agitation, and was treated very rudely by this man Lucas, who had hold of her arm, and at laſt he pulled out a conſtable's ſtaff, and ſaid, by God, my Lady, you are my priſoner, and at the peril of my life I muſt take you, he put her into the coach, and told Mrs. Morgan to take care of herſelf, for there was a warrant out againſt her; Lady Strathmore objected going into the coach, unleſs I went with her; and in conſequence of that Lucas ſaid to me, ſir, I call upon you in the king's name to aid and aſſiſt me, I got into the carriage with Lady Strathmore, and Lucas with me; the carriage drove down Oxford-ſtreet to Tottenham-Court Turnpike, Broad drove it —I remember a chaiſe ſtanding at the Turnpike Gate—I do not know the driver, I did not take particular notice of him, but I ſince learned it was Peter Orme; we went then to Highgate, Lucas, me, and Lady Strathmore in the carriage; Lucas on the road ſaid there would be terrible work, and he was afraid ſome lives would be loſt; going through Kentiſh Town I told him if that was like to be the caſe it would be proper to raiſe people to aſſiſt and reſiſt force by force; he ſaid, ſir, you had better go to Highgate, when we got to Highgate, I got out of the carriage, I went into a room with Lady Strathmore and Lucas, ſhe was much frightened, and looking round I ſaw Mr. Bowes; Lucas talked of going to Lord Mansfield's; when Lady Strathmore ſaw Mr. Bowes ſhe was amazingly alarmed, as much ſo as a woman could be, ſhe cried out, the window was thrown up by her, ſhe cried out murder repeatedly; Mr. Bowes when he came into the room aſked me who I was, I told him I was a gentleman; ſir, ſays he, this is my wife; I went out of the door, with intent to raiſe people to relieve her, in conſequence of which, after I had done my endeavours, I came near the houſe, and Mr. Bowes in perſon came out to me and ſaid, ſir, if you do not be quiet I will knock you down; I ſaid, Mr. Bowes remember what you have ſaid; Mr. Bowes, like a man of very great courage, ſaid, ſir I will give you ſatisfaction; I did not think myſelf bound as a gentleman to take notice of Mr. Bowes, there was very great confuſion in the place, I ſaw Lady Strathmore at the window, calling out murder, and for help, how ſhe came out of the houſe I do not know, I went into the carriage with her, ſhe pulled me up ſtep by ſtep, after her; I was conſidering what was beſt to be done, I accordingly got in with Lady Strathmore and Mr. Bowes, and Mr. Lucas got into the ſame carriage, but in going down Highgate-Hill Lady Strathmore got up and ſeemed to be very much alarmed, ſhe obſerved it was not the way to Lord Mansfield's, I ſaid, my Lady, I believe it is not, to which Mr. Bowes ſaid, ſir, hold your tongue, or elſe I will turn you out of the carriage; Lady Strathmore had hold of my arm, ſays he, damn you, madam, are not you aſhamed of yourſelf, when your daughter lays dying; upon going a little farther he very politely ſaid, ſir, if you pleaſe you may get out of the carriage, I accepted of his polite offer; I thought I could be of no ſervice with the number of men, I ſaw no other people armed, and from Lucas's declarations at different times that he would blow Mr. Bowes's brains out, I concluded he had arms, I got out, I made the alarm and followed.

Q. At firſt you did apprehend you were going to Lord Mansfield's?

A. Yes, I did, I did not immediately recollect the circumſtance.

Q. I need not aſk you whether this was by her conſent or without her conſent?

A. It was too apparent to every body.

EDWARD

EDWARD BROAD *ſworn.*

Q. Are you the coachman that was hired?
A. Yes, Sir.
Q. Who hired you?
A. Lucas.
Q. You are a hackney coachman?
A. Yes, I was hired by Lucas the 9th of November, I am the perſon that went to Foſter's in Oxford-Street, I was employed by Lucas to go there, I did not ſee Bickley till I came to Highgate.
Q. Had you any converſation with him?
A. I ſaw a ſtage that had ſtopped at the Red Lion door, and ſeeing him at the Red Lion door I aſked him if he had been in the country, he ſaid he had, I ſaw him no more till I came to Barnet.
Q. What did Bickley ſay?
A. He ſaid it was Lady Strathmore, and that Mr. Bowes was her huſband, that he had a law-ſuit depending in ſome court, and that he muſt have Lady Strathmore in his poſſeſſion at the time the cauſe was coming on; he told me this at the Red Lion at Barnet.
MR. MINGAY. Q. Did you learn from Bickley how long he had been in the ſervice of Mr. Bowes?
A. He ſaid he had been employed by Mr. Bowes for three weeks and had two guineas a week.

WILLIAM BROUGHTON *ſworn.*

MR. GARROW. Q. Where do you live?
A. I keep the Red Lion at Barnet, I remember very well Lady Strathmore being brought to my houſe, I ſaw Mr. Bowes, Lady Strathmore and Lucas in my Lady's coach, I was ſtanding in the yard, and there came in a man who I found afterwards was Peacock, he came forwards and ordered four horſes to go down the hill to bring the coach up, I was anxious I thought it was a run away match to Gretna-Green; as I was coming out of my gate ſome body ſaid theſe are Mr. Bowes's, when I came the coach was arrived with a pair of horſes, while I was anxious of getting the horſes put to it there was a gentleman ſaid it was Lady Strathmore, ſo I never went to the coach, I thought it would be imprudent to look into the coach, at laſt I ſaw Lady Strathmore, a man in ſpectacles, whom I afterwards found was Lucas, and Mr. Bowes; all at once my Lady Strathmore jumped up and called out murder, murder, help for god ſake, murder, murder; with that the man Lucas got up and laid hold of her hands and preſſed her down in the carriage, and I really thought my Lady in ſtruggling would have broke the glaſſes, inſtantly they drove away.
Q. How did the reſt of the people get from your houſe?
A. There was a poſt-chaiſe and pair, and I believe Peacock and ſomebody went in, I did not look much at them, I ſaw they looked like rogues, ſhe called at my houſe coming back and an object of pity ſhe was, ſhe called out put four horſes, I ſaw a woman in a bonnet and an old handkerchief like a woman that was ſifting cinders in Grays-Inn-Lane.—Orme has ſince been in my ſervice.
Q. Do you know from your own knowledge of any application made to him by theſe defendants?
A. I know nothing but what he told me himſelf.

EMANUEL MENIER *ſworn.*

I was there when the carriage came up on the 10th of November, there was a man which was Mr. Lucas, I recollected Lady Strathmore, and told Mr. Broughton ſo immediately, I ſaw Lucas force her Ladyſhip down in the carriage, and ſhe let down the glaſſes and cried murder, help, and aſſiſtance for godſake: in the ſtruggle putting the glaſſes up ſhe put her hand upon it and broke it, ſhe afterwards went on.

Mr. Erskine. Q. Then at this cry of murder, and being forced down by a man in ſpectacles in the coach, you was preſent beſides Broughton?

A. There were other people preſent, Sir—there was a tall gentleman, who I believe is Peacock.

Q. How came you to ſuffer a carriage, conducted in that way, to go from the door?

A. The reaſon was, I happened to mention it to one Caſs, and he ſaid, if I mentioned a word I ſhould be murdered by ſome of the parties.

Broughton. It was done ſo momentary, I had not time, but I immediately took advice what to do, and ſent expreſs to London.

Mr. Mingay. Now I will call a witneſs who ſaw her at Stilton, and ſaw him offer her the papers, and her refuſal of it.

William Barker *ſworn.*

I live at the Bell at Stilton—I know Mr. Bowes—I recollect him coming there on the 10th of November—My Lady's coach came firſt and a chaiſe after.

Q. Who was in that coach?

A. I did not obſerve—the lady got out.

Q. Do you recollect any thing that paſſed between Mr. Bowes and her Ladyſhip?

A. Yes—they went into a room—Mr. Bowes aſked for pen, ink and paper, which accordingly carried—after he ſat down I ſaw him writing—after I went in he was ſtanding up by the ſide of the lady—what he ſaid I cannot ſay, but as ſoon as I got into the room and ſhut the door, I heard my Lady ſay, I will not ſign it for you nor any body, upon which I went out—as ſoon as I got into the kitchen ſhe was hallooing out murder—I ſaw her puſhed nto the carriage myſelf, either by Bowes or Lucas—It was very late at night—it was twelve o'clock—her cap almoſt knocked off her head—She then called murder, murder, is there nobody to aſſiſt me?—She did not get into the ſame carriage ſhe went firſt, and there were two or three people in the hind carriage, and ſomebody ſaid, Bundle out, bundle out, and he forced my Lady into the hind chaiſe—her coach went on, and I believe Mr. Bowes got in, and when ſhe cried out is there nobody to aſſiſt me, yes? ſays the Gentleman in ſpectacles, I will aſſiſt you—I will jump up behind.

Mr. Chambre. Q. When you heard this converſation there was nobody preſent but Mr. Bowes and Lady Strathmore?

A. No.

Q. You were without the door?

A. No—I was within the room and had ſhut too the door?

Q. Whilſt Lady Strathmore ſtaid at your houſe at Stilton, were any of the maids with her?

Y. Yes—I believe Mr. Bowes ordered one of the maids in, becauſe he would not let her go up ſtairs—my Lady frightened the maid very much—ſhe was a poor innocent girl, ſhe was not the chambermaid.

John Thacker *ſworn.*

I am hoſtler at the Bell at Stilton, I ſaw Lady Strathmore there between the 10th and 11th of November; ſhe was running up the ſtreet, paſſing the carriage; ſhe cried out murder—ſhe called for help.

Q. What did the people ſay that got her again?

A. They ſaid, Get out of that chaiſe, and put her in the laſt chaiſe—ſome people ſaid to one another, Here ſhe is—aſſiſt me and put her in the laſt chaiſe—ſhe cried out murder—they got her again and put her in the laſt chaiſe—one of them forced her in, I think he had ſpectacles on—they almoſt pulled off her cap with the top of the chaiſe.

Thomas Wade *ſworn.*

I drove Mr. Bowes from Greta-Bridge to Streatlam-Caſtle—they called me up, I cannot tell the time, they told me it was Lady Bowes and Mr. Bowes—I cannot exactly tell the time we got there—ſhe was in the carriage before I was ready.

Q. Did any thing paſs on the journey?

A. Nothing at all particular—as ſoon as ſhe got out of the carriage ſhe cried out ſeveral times, I am brought here by force, and deſire it may be made public—there were

thre

three in a chaiſe behind—I do not know who they were—I ſaw one ſince that I know very well.

Q. A young man?

A. He is.

Q. Should you know his name if it was mentioned?

A. I did not hear his name—I did not ſtay long at Streatlam-Caſtle—I had ſome converſation with Mr. Bourn—he ſaid, he ſuppoſed I had liked to have overturned the carriage, and that made her cry out ſo—I told him, that was impoſſible, becauſe ſhe never cried out till ſhe got out of the carriage—Mr. Bourn aſked what it was ſhe did cry out for—I told him, very like he might know as well as me, or ſomething to that effect—we were not long there—Mr. Bowes's ſervant paid me, and Bourn gave me ſome drink—I ſaw them them take out ſome fire-arms out of the hindmoſt chaiſe, I think they were piſtols—it was in the dead of the night.

Mr. ERSKINE. Q. You ſay Lady Strathmore got out of the carriage and walked into the houſe?

A. Yes.

Q. Mr. Bowes attended her?

A. Yes—as ſoon as it ſtopped ſhe got out of the carriage and went into the Caſtle—Mr. Bowes took hold of her and they went together—I never ſaw her Ladyſhip afterwards.

Q. When was it that Lady Strathmore cried out that ſhe was there by force, and deſired it might be public?

A. As ſoon as ſhe got out of the carriage.

Mr. MINGAY. My Lord, now we are going as to Thomas Bowes.

THOMAS COLPITS *ſworn.*

I live at Cockfield, about five miles from Streatlam—I know Lady Strathmore and her family very well—I was at Barnard-Caſtle on the 25th of October, and I was coming along, and obſerved Mr. Bowes, Mr. Bourn and Prevot, mount their horſes and proceed toward Streatlam—after they had been gone a ſufficient time to get to Streatlam and further, Mr. Bourn returned to Mr. Hobſon's houſe—then Mr. Bourn went to the Poſt-houſe, and gave out that Mr. Bowes had received a very bad accident on the road—that his horſe had fallen, and that he had pitched over him, two or three times—I was ſuſpicious that it was ſome trick, they play ſo many—I took my horſe immediately, with another perſon, and rode on as faſt as I could—I came up to them and ſaw Mr. Bowes laying near the turnpike, apparently dead, with his head on a heap of ſtones, and a little hay under him—Prevot had his hand behind him, and was holding his arm—Mr. Hobſon was by him, and two other perſons, they were tying up his arm—I underſtood then he was blooded.

Q. Was Prevot ſo near that he could hear, or Bowes?

A. They were within two or three yards.

Q. What was ſaid?

A. That he had broke three ribs, that the blood was coming out of his ears—that Mr. Hobſon ſuppoſed his ſhoulder was out, and his head was much bruiſed—a little while after Bourn came back with a poſt-chaiſe and took the money out of his pockets; at which Prevot retired a little way off and counted it—it was almoſt dark, and in five minutes or leſs. they counted to the amount of fourteen hundred pounds—I heard them gingle the money into their hands—Bourn was for looking over the Bank-bills—They told the people, particularly Mr. Hobſon, to take notice there were 1400l.—After he had lain a little while they put him in the chaiſe—Bourn and Hobſon got in, and went to Streatlam-Caſtle.

Q. Was this known publicly afterwards?

A. Yes—A great deal of pains was taken to ſpread it?

ROBERT HOBSON *ſworn*

I am a ſurgeon at Barnard-Caſtle, on Tueſday the 24th of October laſt, Mr. Bourn, who was Mr. Bowes's agent, came to my houſe, and deſired me to take a ride over to Streatlam, that he, Mr. Bowes, wanted to ſee me—after ſtaying ſome time, he ſaid, I have a ſecret to truſt you with—can you keep a ſecret?—ſays I, what ſecret?—then Mr. Bowes began, and ſaid to me, Sir, the ſituation of my affairs are ſuch, that I wiſh to be ſecreted for a while,

for

for I am afraid ſome trouble is coming upon me—ſays he, the ſecret is this, I will fall off my horſe to-morrow, between Streatlam Caſtle and Barnard-Caſtle, you will be ſent for, and you muſt ſay I have fallen off my horſe, and have broke three of my ribs—you muſt attend me at the Caſtle the next morning—I did ſo, and I went again on the Friday-morning, and when I came there on the 6th of November, Mr. Bourn informed me that Mr. Bowes was gone off in the night, for, ſays he, all the people in Streatlam Caſtle know my motions and movements.

Mr. LAW. I believe, in conſequence of this, you communicated it to ſeveral people?

A. Yes.

Q. I believe to the reſpectable gentleman in Court?

A. Yes.

Q. Did you inform any gentlemen in the neighbourhood?

A. I told everybody it was ſo.

Q. Did you tell Mr. Lee ſo?

A. Mr. Bowes had wrote a Letter to Mr. Lee, which he deſired me to copy.

Q. I believe you repreſented that Mr. Bowes was very reſigned to this calamity?

A. Mr. Bowes ſaid, Mr. Hobſon, be ſo kind as to copy this for Mr. Lee—ſays I, Mr. Lee will never forgive me, if I tell him a lie and he finds it out—Oh, ſays he, never mind, I'll make that up with him—I attended there backwards and forwards for ten days or a fortnight—I rode there every day, and I acquainted every body, by his deſire, that he was ſo bad as not to be ſeen—I went over there one morning and I ſaw Bourn, and he ſaid he had a letter for Mr. Bowes—ſays I, where is he—ſays he, in London—ſays I, the devil! what does he do there—I did not know he was gone to London.

Q. You attended him only two days?

A. Yes.

Q. And ſent medicines for ten days?

A. Yes.

Q. Bourn was there, and ſaw that he had not had this accident?

A. Yes.

Q. Did you ſee Mr. Thomas Bowes there at that time?

A. He came there once or twice, if not three times; Mr. Bourn and he had ſome converſation together, and Mr. Bowes.

Mr. ERSKINE. Q. Mr. Bowes told you in general terms, that he had a very particular reaſon why he wiſhed to be concealed from his friends?

A. Yes, he did—that he was afraid of bailiffs.

Q. Mr. Bowes impoſed upon you?

A. He did.

Q. He did not give you the ſmalleſt reaſon to ſuppoſe, that he wiſhed this ſham ſickneſs ſhould be put on that he might get away to London, for the purpoſe of carrying away Lady Strathmore?

A. Not in the leaſt.

Q. You thinking that it was a good natured action to give this gentleman an opportunity of treating them in this way, under the ſham of ſickneſs, you agreed to come the next day?

A. Yes.

Q. You had not the leaſt conception of this plan?

A. Not the leaſt.

Q. I aſk you as an honeſt man, had you any reaſon to know and believe, that this gentleman, Mr. Bowes, did not impoſe on Mr. Thomas Bowes, as he did on you?

A. I ſincerely believe Mr. Thomas Bowes knew nothing of Mr. Bowes's plan—he came on buſineſs twice—he ſaid he wanted to ſee Mr. Bowes on particular buſineſs—Bourn told him he could not be ſeen, and Bourn carried up the meſſage—I believe he was quite in the dark about it.

Q. I believe you yourſelf brought down a verbal anſwer, in order to deceive him?

A. I did.

Q. That is your honeſt opinion on the ſubject of Mr. Thomas Bowes?

A. Yes.

Q. You knew it was a ſham illneſs as well as Bourn?

A. Yes—I had no reaſon to believe that Bourn was impoſed on.

Mr.

Mr. ERSKINE. Q. You ſay that Mr. Bourn told you afterwards that he was gone to London?

A. Yes, that was either the fifth or ſixth of November.

Q. Did not he tell you ſo with all the appearances of ſurprize?

A. I do not know, he had a letter in his hand, which he read; and ſays he, I have a letter from Mr. Bowes in London—in conſequence of this meſſage paſſing backwards and forwards, I do not believe Thomas Bowes was acquainted with the ſubject of the ſham fall.

THOMAS RIPPON *ſworn.*

I was writer to Mr. Thomas Bowes one month within two or three days—I remember his going to Streatlam Caſtle.

Q. How was he dreſſed?

A. I cannot tell.

Q. Had he a great coat on, or had he not?

A. He had.

Q. Was it his own—one that he uſually wore?

A. Yes.

Q. When did he return to Streatlam Caſtle.

A. On the Thurſday night.

Q. Have you ever ſeen the great coat that Lady Strathmore returned in?

A. Yes.

Q, Is it very like the great coat Mr. Bowes generally wore?

A. I think it is—I was the perſon that uſually enquired for letters for Thomas Bowes.

Q. Had you any particular directions about the time of the fall, from Mr. Thomas Bowes, reſpecting his letters.

A. He ordered me to go every morning as ſoon as I got up, to the poſt-houſe, to aſk for his letters, for he expected letters from Mr. A. R. Bowes—he did not tell me from what place he expected them.

Q. Would the letters come by that conveyance, if they had been written at Streatlam Caſtle?

A. They might come that way, but they generally come by an old man named Chriſtopher Stokel, and not by the general poſt.

Q. Was there any thing particular in the manner in which Mr. Bowes did his buſineſs about that time?

A. Within two or three days of the time when I heard Lady Strathmore was carried off, I had not acceſs to his office as uſual; he locked the door—he did not uſe to lock it till then; if he locked the door in the former part of the time I lived with him, I had acceſs to the key—I had not during this time.

Mr. CHAMBRE. Q. How long have you lived with Mr. Bowes, before this time that he went to the Caſtle?

A. About three weeks.

Q. Was not he concerned for him in a great deal of buſineſs?

A. Yes.

Q. Was not there ſome law proceſſes againſt Mr. Bowes?

A. There was.

Q. Was there not a proceſs out in that cauſe.

Mr. MINGAY. I object—do you know that there was ſuch buſineſs going on at that time—do you know that there was buſineſs of that ſort going on?

A. I do not know—I have no knowledge at all of any—I was employed merely as writer and ſervant.

Q. How long before that did Mr. Thomas Bowes give you notice to quit his ſervice?

A. Not till Saturday the 18th of November—he gave me no notice till he paid me off—it was Saturday the 18th of November.

Q. Did you give Mr. Bowes any notice?

A. No.

——— RIDGWAY *ſworn.*

I am Tipſtaff—I arrived at Streatlam Caſtle on the 13th of November.

Q. What time of the day?

A. About three—I could not get admittance—I called out, a gentleman came to the door—I knocked at the door, a gentleman anſwered me—Who do you want?—I ſaid, I want to ſpeak to Mr. Bowes—ſays he, Who are you—ſays I, my name is Ridgway, I am alone—he ſaid, I cannot open the door—open the window, Sir, ſays I, open the window—he opened the window, and I ſpoke to him—I underſtand him ſince to be Mr. Thomas Bowes, that is the gentleman, I aſked him if Mr. Bowes was there, he ſaid, no—ſays I, how long has he been gone—ſays he, I cannot hold any converſation with you on the ſubject, or words to that effect—I waited there a long while—I ſhoved the rules under the door, and there I left them—I called out at the ſame time, Mr. Andrew Robinſon Bowes, I have ſhoved a Habeas Corpus, and a copy of the original rule under the door, and I deem it a good ſervice—I called ſo a vaſt number of times—I demanded Lady Strathmore a vaſt number of times, by me and a conſiderable number of people.

Mr. ERSKINE. Q. There were a conſiderable number of people ſurrounding the Caſtle when you held this converſation with Mr. Thomas Bowes?

A. There was afterwards.

Q. How long after?

A. Ten minutes.

Q. Then they muſt be near the Caſtle?

A. I cannot ſay.

Q. Could it be otherwiſe—as ſoon as Thomas Bowes opened the window, and you aſked him if Mr. Andrew Robinſon Bowes was gone, he ſhut the window and ſaid he could hold no converſation with you?

A. Yes, then the Caſtle was ſurrounded, though at a great diſtance, by a great number of people, they might be two hundred yards behind a row of trees; the people were very violent, I deſired them to deſiſt.

Q. It muſt have given ſome alarm to the people in the Caſtle?

A. No doubt, Sir.

Mr. MINGAY. Q. When you firſt called out, and before you put the papers under the door, was Thomas Bowes within hearing then?

A. I think he muſt.

Q. Was the croud of people near you then?

A. I ſuppoſe not leſs than fifty people ſurrounded, and ſaw me put the papers under the door.

Mr. ERSKINE. Q. Did you ſee the perſon of Mr. Thomas Bowes after that time?

A. Not to ſwear to.

Q. Then how far back he retired from the window you cannot tell?

A. No.

Q. There was a conſiderable number of people round you?

A. Yes.

Q. Can you take upon you to ſwear with any degree of poſitiveneſs, whether he heard you or no?

A. I ſhall not attempt to ſwear it, I think it was poſſible he might.

Mr. MINGAY. Q. Was it impoſſible but he muſt hear you?

A. I think it was not impoſſible.

Mr. ERSKINE. Q. On what day.

A. On the 13th.

Q. (*To Mr. Hobſon*) Did not you tell Mr. Bowes juſt before Mr. Ridgway came up, that there was a bailiff at the door?

A. I went to viſit Mr. Bowes and my Lady, I was going round to the back door, and Mr. Bowes opened the front door to me—there was a man came paſt, ſays Mr. Thomas Bowes, who is that, ſays I, he is a bailiff.

Mr. MINGAY. Q. What time was this?

A. It was on Monday, Mr. Thomas Bowes was at the Caſtle, he opened the door, I was there about ten—it was before Ridgway came.

CHRISTOPHER

CHRISTOPHER STOKEL, *ſworn.*

I carried a letter from Streatlam Caſtle to Darlington on Sunday the 12th of November from Mr. Bowes.

A. I delivered it to Mr. Bowes at Darlington, it was towards night.

Q. Did you carry a letter on the 25th of October?

A. I cannot tell.

Q. Was that the day that it was reported that Mr. Bowes had fallen from his horſe?

A. I carried one that day.

Q. Who was it from?

A. I carried it from Streatlam Caſtle, I believe Mr. Bourn gave me a letter to carry, and I delivered it to Mr. Bowes at Darlington, I ſaw Mr. Bowes of Darlington at Streatlam Caſtle on the day that Mr. Bowes was reported to have fallen from his horſe.

Mr. ERSKINE. Q. Now old man, now that you are out of your training, let us ſee what you have ſaid to this gentleman, tell your own ſtory, without Mr. Law holding up your chin?

A. I carried a letter from Mr. Bourn to Mr. Bowes, they were both together, I do not know who wrote the letter, it was the day he fell from his horſe, I carried bank notes, which I gave to Mr. Thomas Bowes at Darlington, and he gave me caſh for them.

Q. What day was that?

A. The day he fell.

Q. Did you bring back any money?

A. I brought back a parcel.

Q. Did you carry the notes to get caſh for?

A. Yes.

Q. What day was it you carried theſe notes?

A. It was on a Wedneſday.

Q. Was that the day Mr. Bowes was ſuppoſed to fall from his horſe?

A. Yes.

Q. What were the notes that you carried?

A. I brought back threeſcore guineas from Mr. Thomas Bowes.

Mr. LAW. Q. Now I will aſk you did you receive any notes whatever, bank or other, from Mr. Bowes of Streatlam Caſtle?

A. No, I carried a letter.

Q. From whom did you receive the notes you got changed into caſh?

A. Thomas Bowes of Darlington he gave me notes to get changed, and I got them changed.

Mr. ERSKINE. Q. Did you ſee Mr. Thomas Bowes open the letter?

A. No, I did not.

Q. But he gave you money in return for the letter?

A. Yes, I gave the caſh to Mr. Thomas Bowes.

JAMES FARRER, *Eſq. ſworn.*

Mr. MINGAY. Be ſo good as to acquaint the Court and Jury what you know of this matter?

A. Being in the North, I had an expreſs ſent me to Carliſle, acquainting me that Mr. Bowes had forcible ſeized the Counteſs of Strathmore, and had taken her to Streatlam Caſtle, whereupon I immediately ſet off for that place, and arrived there about noon, as near as I can recollect, the Wedneſday following the 15th November.

Q. What time of the day was it?

A. I think it was about twelve or one.

Q. When you got there was there any croud?

A. There was a good many people; I know Mr. Thomas Bowes of Darlington, I never had any particular acquaintance with him—I know he is an Attorney living at Darlington, I have known him act for Mr. A. R. Bowes.

Q. When you came to the Caſtle did you ſee Mr. Thomas Bowes?

A. I did not, I called out to them to demand the body of Lady Strathmore; I did not ſee Mr. Thomas Bowes till the next day, for I was willing to know

know ſome particulars from the people, my information was ſhe was at the Caſtle.

Q. What did you think?

A. I certainly by ſeeing the windows barracaded up as they were, thought ſhe was there; the next day I ſaw Mr. Thomas Bowes at the Caſtle, on the 16th of November I called out, making the ſame demand I had done the day before, and mentioned that I ſhould be extremely ſorry to commit any violence, but I muſt break open the Caſtle, and I gave them a quarter of an hour; I pulled out my watch—I waited a quarter of an hour, and the people began to force the way; then a voice called out Mr Farrer I will open the door to let you in with one or two friends, which I ſuppoſed to be Mr. Thomas Bowes, by no other perſon being in the hall; I went in, I ſaw nobody but Mr. Thomas Bowes, that leads me to ſuppoſe the voice was his; I aſked him if Lady Strathmore was there, he heſitated a little, and ſaid ſhe was not, I then aſked whether Mr. Bowes was there, he ſaid he was not, I ſaid to Mr. Thomas Bowes, I preſume you have ſeen Lady Strathmore, he ſaid he had not; I told him it was very neceſſary to ſearch the houſe, I ſuſpected they were there, and ſome conſtables came in and ſearched the houſe, and we found they were gone; after which I addreſſed Mr. Bowes immediately, and ſaid, ſir, you muſt certainly know where Mr. Bowes and Lady Strathmore are, he ſaid he ſhould not anſwer any queſtions upon interrogatories; I then with ſome warmth mentioned to Mr. Bowes I would not be in his ſkin, knowing, as I conceive he did, where Mr. Bowes and Lady Strathmore were, for the whole county of Durham. I could get no more from him.

Q. He knew who you was?

A. He certainly did.

Q. Lady Strathmore after ſhe was reſcued was brought back to your houſe?

A. I was not in town, ſhe was attended by Mr. Beaumont.

Mr. Erskine. Q. In the firſt place we are intitled not only to the truth, which I ſuppoſe you have told us, but the whole truth, there is another queſtion; you ſay that upon aſking this gentleman Mr. Thomas Bowes, where Mr. Bowes and Lady Strathmore was, he ſaid he was not bound to anſwer interrogatories.

A. Yes.

Q. Then you ſaid you would not be in his ſkin for all the whole county of Durham, knowing, as you conceived he did, where Mr. Bowes and Lady Strathmore were, did not he then after that, tell you upon his honor he did not know?

A. I do not recollect that upon my oath.

Q. Do you mean to ſwear that did not paſs?

A. I really do not believe it did paſs, I have no recollection of agreeing to receive his honor as a man, for I ſuſpected his honor and veracity.

Q. Do you recollect that before Mr. Thomas Bowes would allow you to come into the houſe, he made terms that a poney ſhould not come in?

A. He did.

Mr. Mingay. Is not it to take goods?

A. Yes.

David Kirk, *ſworn.*

I am Turnpike-keeper between Brough and Appleby.

Q. Do you remember ſeeing Mr. Bowes and Lady Strathmore at your Turnpike?

A. Yes, on the 17th Day of November laſt.

Q. Who were the perſons that came to your gate?

A. Firſt and foremoſt there was *Sir Andrew Robinſon Bowes*, came to our gate, and called twice gate,gate, I ſoon went to the door, and opened the door; this gentleman came in, and ſaid what am I to pay you for three horſes? Three-pence, ſays I, he paid me three-pence, and he took a round and looked at the houſe, ſo he went out of doors, and made the three horſes come through the gate; he took off the Lady in his arms, and fetched her within the door; ſays he, may this lady warm herſelf by the fire, ſays I, very welcome to ſit down and warm herſelf, ſhe was in a man's great coat, with yellow buttons on the ſleeve; then he took a ſhilling and threw down

down and ſaid 'may be this Lady will drink a diſh of tea, and ſhe drank one diſh of tea—there was a great deal of ſnow and ſleet that day.

Q. Who was the woman that was with them?

A. Her name is Mary Gowland.

Q. Was there no more in your houſe than Mr. Bowes and Lady Strathmore, and Mary Gowland—Did they come from the way of the mountains?

A. I thought ſo.

Q. Did you or your wife make any obſervations to Mr. Bowes about their travelling in that manner at that time of night?

A. The woman wanted, as I fancied, to do ſomething for herſelf, this Mary Gowland; ſays I, ſir, you have a very bad night to travel in—ſays he, it is a point of neceſſity, ſhe has a daughter lying-in, at the point of death; at the point of death, ſays I, what, at Appleby? Yes, ſays he, Appleby;—ſays he again, is there any good inns at Appleby, and I told him of one, I offered to light him; no ſays he, we want no light, yes ſays I you do, and two men chucked her on horſeback with their hands, and one ſupported her on, ſhe was behind a man with a ſhag coat, as I took him, I cannot poſitively ſay to that man, I know one Shield that was with him, he was a game-keeper, the Lady was hardly a quarter of an hour in our houſe—ſhe looked ſadly.

Mr. FIELDING. Q. The gentleman who was with this Lady behaved very civil to the Lady, and wiſhed to accomodate her?

A. I think the gentleman wanted more to accommodate her than ſhe wanted to be accommodated by him—ſhe drank two diſhes of tea.

Q. Do you recollect me there?

A. You might, I think you are almoſt like him.

Q. Do not you recollect that I was very civil to the Lady—do not you remember my eating ſome brown bread there?

A. You might.

Q. I had not this wig on at that time.

A. No, I believe not, the gentleman that was at our houſe with her had a white cap under his hat.

JAMES ANGIER *ſworn.*

I ſaw Mr. Bowes and ſome of his people in November at Appleby.

Q. Was Lady Strathmore with him?

A. Yes.

Q. Who formed the troop?

A. I happened to ſtand at the door, I keep an Inn at Brough, I ſaw them get into the chaiſe, Mr. Bowes came out, and I pulled my hat off, and he ſaid Angier are you here, ſays he are you come to take me, ſays he my man tells me you are, but ſays he if you are, I am very well provided, I have a piſtol on each ſide, ſays I, if you have ſir, I have no buſineſs to take you—Lady Strathmore was in the chaiſe, and ſeemed very uneaſy, I ſaw her go into the chaiſe at Appleby—it was very cold weather.

Q. Had it been ſnow?

A. There had been a very great deal of ſnow I ſaw him before in company with one Mr. Peacock and three or four more, they were at my houſe at Brough, I cannot tell who was with them then.

Q. What time of day was it they left Appleby?

A. A quarter paſt ten.

Q. Market day?

A. Yes.

Q. The ſtreet full of a great number of people?

A. There was a great many.

Q. Did Lady Strathmore apply for any aſſiſtance?

A. I did not hear her ſpeak, ſhe was ſitting in the chaiſe and ſeemed very uneaſy.

Q. Was ſhe carried into the chaiſe, or did ſhe walk in as any other traveller?

A. I cannot ſay.

Mr. GARROW. Q. Was ſhe moving her hands about as in diſtreſs?

A. She was in this way, moving her hands up and down, ſhe appeared very much dejected and diſtreſſed.

ROBERT PEVERILL *ſworn.*

MR. LAW. Q. What are you?

A. I am a grocer at Barnard Caſtle.

Q. Do you recollect your being at Streatlam Caſtle before or after Mr. Bowes went off?

A. I was there after he left the caſtle and not before.

Q. Upon what day was it that you went there?

A. On the 24th of November.

Q. Was Mr. Thomas Bowes there?

A. Yes.

Q. In any converſation that you had with Mr. Thomas Bowes could you learn any thing from him whether he knew any thing of Lady Strathmore being carried from the caſtle?

A. I enquired if my Lady and Mr. Bowes were there, and I was told by Mr. Thomas Bowes they were not.

Q. When was this?

A. The 24th.

Q. That cannot be?

A. It was on the Monday I imagined the Tipſtaff had been there, but I ſaw nothing off it—the caſtle was barred up.

Q. Did Mr. Thomas Bowes tell you why the caſtle was barred up?

A. No, he did not.

Q. Who put you into the caſtle?

A. I went to ſee my Lady and Mr. Bowes.

Q. Who let you in?

A. Mr. Thomas Bowes—he locked me in, I never did learn the cauſe of it from him, I did not know the cauſe till afterwards.

Q. Did you recollect attempting to go out at any time?

A. I was glad to get out, Mr. Bowes ſaid he deſired I would not, for if I did attempt to go out other people would come in.

Q. What elſe did he ſay, did not he ſay if you open the door you would ruin all?

A. I do not know.

Q. Did not you ſee Peter Orme pick up the papers and carry them to Mr. Thomas Bowes?

A. I ſaw the papers lying all of them, I was there, I never looked at them nor touched them.

Q. Were they carried to Mr. Thomas Bowes?

A. I believe they were.

Q. What did he ſay?

A. He ſaid it muſt be ſent back again and not to be looked at.

Q. Do you know what the papers were?

A. I really do not.

MR. ERSKINE. Q. Did not Mr. Thomas Bowes carry you to the window of the caſtle at the time you wanted to get out, and ſhew you through the window of the caſtle the numbers of people that were there?

A. I dare not go out, the people threatned on the outſide, I ſcarce durſt to have ventured out.

Q. Did not he tell you in the cleareſt manner, that his reaſon for not letting you out was for fear of letting the people in?

A. Undoubtedly, there were fires arround us, I heard guns and fire arms.

Q. Was not that an alarming ſituation for the people that were within the caſtle?

A. Moſt certainly.

MR. MINGAY. Q. When you firſt went in, was there any body to alarm?

A. No, I tried at two doors and could not get in.

MR. ERSKINE. Q. Did not Mr. Thomas Bowes tell you that there were proceſſes againſt Mr. Robinſon Bowes?

A. Yes.

ANN HARRISON *ſworn.*

I live at Branton—On the 18th of November about one, I ſaw Mr. Bowes, but he called himſelf a doctor.

Q. Who did the doctor bring with him?

A. There was nobody in the coach with him, he applied to me for a horſe to carry a woman to Copelandbeck, I let him have one, he ſaid he had been in a chaiſe and the chaiſe had broke down, and he wanted a horſe to carry a woman to Copelandbeck, I went with him to Copelandbeck.

ABRAHAM DUNN *ſworn.*

I was ſent after Mr. Bowes, by Mrs. Liddell.

Q. Did you ſee Mr. Bourn, the ſteward?

A. Yes—I ſaw him three miles off Darlington.

Q. What alarm did he give to theſe perſons?

A. I did not hear him.

Q. What did he ſay?

A. I did not hear him ſay any thing—he followed me—I was in purſuit of Mr. Bowes, with other people—he followed me into Darlington—I did not ſee much more of him—he turned back again and went to meet Mr. Bowes—I ſaw him take his horſe and go back.

Q. Do you know whether he met Mr. Bowes?

A. I cannot tell.

Mr. CHAMBRE. Q. Did you ſee Lady Strathmore?

A. Yes.

Q. Did you hear her ſpeak to anybody?

A. No—I never heard her ſay any thing till ſhe was reſcued.

ROBERT THORNTON *ſworn.*

Q. Was you preſent at the time Bourn came up?

A. No—I do not know Bourn.

CHRISTOPHER SMITH *ſworn.*

I am conſtable of the pariſh of Neaſham—I came up with Mr. Bowes and Lady Strathmore, he had a pair of loaded piſtols, one in his hand and the other in his belt, an his left ſide—he aſked me what I wanted, and I told him the country was alarmed obout him, and we came to take him, he ſaid he would blow the firſt man's brains out that offered to touch him—I told him if he would ſurrender I would not hurt him—he preſented his piſtol to the whole company ſeveral times—Lady Strathmore ſeemed to jump off the horſe.

Q. Who took hold of her?

A. William Stubbs—Gabriel Thornton was at a ſmall diſtance.

Q. What became of Mr. Bowes then?

A. I knocked him off his horſe—Thornton came up, and we carried him to the ale-houſe, and ſent for a ſurgeon to look at his wounds.

Q. Did he ſurrender?

A. There was no occaſion for a ſurrender when he was knocked off his horſe, I think.

MR. BEAUMONT, Surgeon, *ſworn.*

I ſaw Lady Strathmore the following morning after ſhe was reſcued—ſhe was in a very deplorable ſtate indeed!

Q. State to my Lord, her Ladyſhip's condition.

A. From the ſeverity of the weather and the ill treatment ſhe had ſuffered, I thought her life in great danger—ſhe was coming down to the Court, but was not able to come

down

down ſtairs by herſelf—ſhe was quite a feeble woman—ſhe continued in that ſtate, I dare ſay, very near a month, and ſhe was full a month before ſhe could ſtand.

Q. Did you examine her legs?

A. I did—her feet particularly—her ancles were much contracted and diſcoloured; which evidently were the effect of the weather, ſeemingly as if they had been numbed.

Mr. ERSKINE. Do not you know that ſhe was frequently lame before and in that ſituation?

A. Never.

Mr. MINGAY. Q. Would ſhe have been in that ſituation before, unleſs ſhe had been numbed by cold weather?

A. I look upon it entirely owing to the weather.

Mr. ERSKINE.

May it pleaſe your Lordſhip: Gentlemen of the Jury; No man can poſſibly lament more than I do, that ſuch a connection as ſubſiſts, or rather ought to ſubſiſt between the gentleman who ſits by me, and the proſecutrix of this indictment, ſhould be productive of ſuch conſequences, that the huſband and wife, which is moſt undoubtedly inſtituted by ſociety to be the ſolace of human life, and for the production and the protection of poſterity, from which ſo many real enjoyments ought to ariſe, and in which the public is ſo very much intereſted in the preſervation of, ſhould be in this manner turned into bitterneſs and gall; that, on the one hand, the wife ſhould appear againſt the huſband, as the proſecutrix of an indictment for a conſpiracy, and, on the other hand, that the huſband ſhould recriminate againſt the wife, by an indictment for perjury. Gentlemen, a man muſt be loſt, not only to all Chriſtian, but, I ſhould apprehend, to all human feelings, who does not feel infinitely hurt at every thing that has been ſtated this day; and if you ſat there to try what were the motives of Mr. Bowes for carrying off this lady, which you do on ſome counts of this indictment, if you ſat there to try the meaſure of theſe enormities, I ſhould be bound to conſume a great deal more of my Lord's time and your's to call a number of witneſſes—I ſhould detain you all the night, and perhaps the next day, in contradicting many of thoſe acts of turpitude, and in ſhewing that many of them are the fabrications of Lady Strathmore, who brings this information before you; but, as my learned friend, kindly to me, was pleaſed, by way of anticipation, to make a defence for me, yet I ſhould ill deſerve that, or any other compliment, if I did not adopt, what I conceive to be the firſt of all abilities in a counſel, namely, that which I hinted to my Lord, decency and diſcretion. There are caſes where eloquence, if it were poſſeſſed, as ſurely it is not by me, weighs nothing but to diſguſt. Is it poſſible to ſuppoſe men can be diſcourſed out of their reaſon? or, if you could, that all the authority of the Court that is to follow me, is likewiſe to be taken away, and my Lord alſo is to be diſcourſed out of the oath he has taken to the public, and his knowledge of the law; whatever therefore goes only as a mitigation of any circumſtance which may be brought home to Mr. Bowes, is not the ſubject of inveſtigation to-day, therefore with reſpect to all theſe acts of cruelty which may be ſuppoſed to exiſt, they are hereafter to be inveſtigated, where they are the jet of the proſecution, where the falſhood is the ſubject of an indictment for perjury, and where, if a jury find it to be falſe, Mr. Bowes may come to obtain from the Court that mitigating ſentence which will ariſe from many of theſe facts on which this cauſe is founded, being found to be falſe. Gentlemen, this proſecution is inſtituted by Lady Strathmore, and moſt unqueſtionably has this foundation in law, that the wife has a right to the protection of the law to keep herſelf from violence, even againſt the huſband; and, although he may have a right of poſſeſſion of her perſon, he can neither ſeize or detain that perſon by force, and therefore this is a proſecution that has for its object the ſecurity of an individual, who is to be protected by rules that neceſſarily involve a much greater degree of caution than the ſecurity of all the individuals in the world, and, conſequently, the ſafety of the public, becauſe before a jury are to convict men of any crime, however they may feel hurt, however they may deteſt the conduct, yet when they come to conſider the caſe, they will do it in a grave and diſpaſſionate manner, they will not ſuffer their imaginations to be heated, and to run away with them, and, therefore, notwithſtanding all the prejudice that has been attempted to be excited, I have no doubt but you will give as good a verdict as if we had been

been calmly conſidering the caſe. Gentlemen, let us ſee the different charges, what they are—I have obſerved it is natural enough for men to be agitated at acts of cruelty — but you have not yet had this caſe ſtated with any accuracy, becauſe it is particularly material to all the parties, and particularly to two of them, how much of this charge you ſhall find to be true. There are five different charges in the information, and my Lord will tell you they they are all as diſtinct and independent, as if drawn on ſeparate parchments. The firſt charge is, that Lady Strathmore had commenced a ſuit againſt Mr. Bowes in the Spiritual Court for a ſeparation and divorce; that all the defendants well knowing the premiſes, did conſpire together to ſtop the proſecution of that ſuit; and in purſuance of that conſpiracy, made an aſſault on her upon the 10th of November, carried her away, impriſoned her for ten days, expoſed her to the ſeverity of the weather, againſt the peace. This is the firſt count of the information, the ſecond and third charge the ſame things; and my Lord will tell you, that even if on theſe three counts in the information, you ſhould be perfectly ſatisfied that theſe defendants all of them conſpired to impriſon Lady Strathmore, upon the ſuggeſtion of Mr. Bowes, that he deſired to have her perſon in his poſſeſſion; but not knowing that the object of that wiſh on the part of Mr. Bowes was the ſtopping this ſuit, whatever acts of cruelty they committed, whatever aſſault and violence was committed, to whatever inclemency of the weather ſhe was expoſed—but it is not neceſſary for me in this ſtage of the buſineſs to contravert—I ſay, my Lord will bear me out in aſſerting, that upon theſe three counts in the information, all the defendants not having the knowledge of that object on the part of Mr. Bowes, it cannot be brought home to them by reaſonable evidence, and they cannot be convicted on theſe counts in the information, which charges a conſpiracy for that purpoſe. There is a difference between what lawyers call inducement, and the ſubſtance of the charge; the ſubſtance of the charge is, that they conſpired together, not to impriſon Lady Strathmore, for I am willing to admit that there is ſuch ſtrong evidence againſt ſome of the defendants for impriſoning her, that if I was to think I could by mere words deſtroy the effect of what has been proved, to attempt to acquit all the defendants of all the charges, as men of ſenſe you muſt laugh at me. Let us obſerve then what evidence there is before you that any of the defendants, except a perſon of the name of Bickley, conſpired with Mr. Bowes, or conſpired amongſt one another, to ſtop this ſuit in the Commons, inſtituted by Lady Strathmore againſt her huſband. Now it may be aſked, ſince there are two charges of which you will be obliged, perhaps, to find many of the defendants guilty—Why am I ſo eager to acquit them of this? I ſaid before, if you had authority to ſay what Mr. Bowes, or any other of the defendants ſhould ſuffer for theſe acts, I muſt then go into all the evidence, in order by mitigation to obtain from you a light ſentence; but as you can only by your verdict ſay guilty or not guilty, and guilty of this charge, which perhaps may be conſiſtant with not guilty in another charge; and as it is the duty of the Court to ſay what puniſhment they ſhall have, it becomes extremely material to the juſtice of the caſe, and the ſolemn duty impoſed on you, to ſay where you find there is evidence to convict, and where there is not. Men of honorable feelings, when circumſtances are laid before them ſuch as theſe, it is no wonder that the human mind ſhould revolt againſt every thing that ſeeks to cover and protect theſe people that are charged; and I cannot but feel myſelf very much obliged to you to liſten to me for perſons, for whom you certainly have no great inclination; but, however, it may be a pleaſant thing to men who feel as you ought to do on ſuch ſubjects, to inflict puniſhment and to bring the offenders to juſtice, yet you will remember that people have a right to be heard in their defence, before that juſtice ought to proceed; that you muſt try them in the ſame manner that you hope to be tried; for if men have not opportunities of applying to the Judges and Jury of their country, conſpiracies would be very rife indeed, and no man could ſay that his life and liberty, or his property in this free country, were in ſafety. I am now ſpeaking of all the defendants, except a perſon of the name of Bickley; if my Lord does not confirm what I ſay—if he ſays the law as I ſtate it to you is not correctly ſtated, diſcharge from your mind what I ſay, and attend to him; but if the charge in the three firſt counts is the fact, whether you are ſatisfied that theſe defendants did conſpire to ſtop the proceſs of the law, it will be the better courſe to ſay at once that I have no evidence by which I can protect Mr. Peacock, Mr. Prevot, Mr. Chapman, Mr. Pigg, and Mr. Bickley, and the defendant, Mr. Andrew Robinſon Bowes, from the 5th count in the indictment—I have none—I am prepared with a great deal of evidence to mitigate the conſpiracy of

which they have undoubtedly been guilty againſt the law, but for the reaſon I have mentioned, I do not think it diſcreet to produce it; there are many reaſons that induced Mr. Bowes, moſt undoubtedly, to have poſſeſſion of his wife—very different reaſons from thoſe aſſigned in the firſt count of this indictment, and it is a melancholy conſideration, that that which would operate as a man's beſt defence, would operate alſo to his ſhame and diſgrace—ſo near is the connection in which they ſtand, that a man cannot diſgrace the proſecutrix without diſgracing himſelf; the nature of the connection is, that their honour, their happineſs—I might ſay, their very being are ſo connected, that when a man endeavours to criminate his wife, he muſt come into a ſhare of it himſelf; if a wife ſquanders the property of her huſband, or runs into debt, or lives in improper company, there can be no ſort of doubt that he may take his wife into his poſſeſſion, provided ſhe is not either ſeparated by conſent, or by the act of law, either ſeparated by the proceſs of the Court, or by her own act, but he cannot do it by circumſtances of force—he cannot do it by circumſtances of terror to the King's ſubjects.

COURT. If you mean to make it your defence that he took her for the purpoſe of avoiding idle expences, you might aſk the queſtion you waved before.

MR. ERSKINE. If Mr. Bowes, had taken his wife into his poſſeſſion, in a manner which would have rendered that taking legal; from thoſe motives, I ſhould then have deſired to have called thoſe witneſſes: becauſe if I had proved that which I expected to prove, and which I undoubtedly could prove, I ſhould have aſked permiſſion to do it: I conceived my Lord rejected my application on this ground, that let the motive be however pure, however honourable, however correct, however perhaps laudable and humane, for it may be highly humane to take a woman out of the hands of perſons that are conſpiring to ruin her by amuſing her with lies of fortune-tellers, in order to widen the breach with the huſband, and to prevent that union which is much to the honor of all perſons; if Mr. Bowes had taken his wife into his poſſeſſion peaceably, he would have been protected by the law, but whatever may be his motive, diſcretion is the beſt ability; it is impoſſible that I can defend him againſt that illegal act for taking his wife into his own poſſeſſion, and as you can have only to pronounce the verdict of guilty on that fifth count, it will be therefore for me where I am able, to ſhew the motives, the honorable, the juſt and pure motives that induced Mr. Bowes to tranſgreſs the laws; and it will be for the court to ſay, what is the puniſhment that a man ought to receive who tranſgreſſes the law from one motive or another: I therefore have ſo conducted myſelf, and I hope when I conduct myſelf in this manner, inſtead of endeavouring to impoſe on your underſtandings, when I declare I cannot attempt to defend any of the defendants, except Mr. Bourne and Mr Thomas Bowes who ſtands there, from the charge in the fifth count; I hope I ſhall be honored with your attention, when I obſerve I ſhall not offer a ſentence to day however weak, I ſhall offer none that will ſhock your underſtandings, or your reaſon, or that I think my Lord will be diſpoſed to animadvert upon; which he would do, if not well founded when adduced by counſel at the bar. I apprehend, that on thoſe other counts, which do not charge a conſpiracy only, but charge one to ſtop the proceedings ſhe had inſtituted in the commons, and that in purſuance of that conſpiracy to ſtop that ſuit in the commons, they ſeized her violently and took her: that it will be neceſſary ſome how, to connect them with the knowledge of that ſuit being inſtituted; for it is repugnant to common ſenſe, to ſay I conſpire to ſtop a ſuit with the exiſtence of which I am not acquainted, or that I conſpire with him, unleſs it was known to me that Mr. Bowes had that object. Now Orme is the firſt witneſs in this cauſe, and there was as much reaſon to ſuppoſe Mr. Bowes ſhould put as much truſt in him, as in Lucas or any of the others: that witneſs being examined, furniſhes a leſſon of caution, particularly where gentlemen in your ſituation are to decide on the liberties of the people; for you would be obliged to go blindfold in the conviction of Orme, ſuppoſing him to be convicted of that of which he ſays he was not guilty; and it furniſhes me with this obſervation, that Orme is not at all connected with the knowledge that theſe people had: if my learned friend could have got theſe people together, and could ſhew that he ever mentioned his object in taking her was to ſtop the ſuit; the men to whom that act is brought home, are conſpirators under the three firſt counts in the indictment: I then admit for the ſame reaſon, (ſtill laying in my claim when you find that I diſtinguiſh between cauſes that are tenable and thoſe that are not,) I admit Bickley is ſo fixed, for you find he ſaid it was to ſtop this

proſecution;

proſecution; there is a knowledge in Bickley, it may be ſaid, it may be left to you what is the deciſion, what you think you ought to find, it may be ſaid, that ſince Bickley knew this he muſt know it from Mr. Bowes: that Mr. Bowes muſt have communicated it to Bickley, that, that was his object, or he could not communicate it to Orme; it may be ſaid you will infer it, you will preſume it. Gentlemen, it is contrary to the genius of the law of this country, ſuch large and ſuch weak preſumptions as theſe, wherever a man can have any diſtinct and direct evidence againſt him, it is fit he ſhould ſuffer the penalties of the law, and theſe men muſt ſuffer theſe penalties in that count where they ought to be convicted; and I do not know, whether it will make much difference, between that and their being convicted on the whole indictment: but it is my duty to ſtate what I conceive to be the caſe, which is, that it would be extremely dangerous, if a deſire in a jury to bring people to puniſhment; which deſire has for its object, the ſecurity of an individual, ſhould carry them farther then the evidence will warrant, and ſhould lead them to preſume any thing that is not ſupported by proof; for in that caſe how can a man be ſafe in his life, liberty, property or reputation: how indeed, but in the ſtrict manner of the adminiſtration of the laws, in which nothing is to be preſumed and taken for granted, but what you ſee certain as you ſee my hand before me. I therefore repeat that there is not a tittle of evidence out of the twenty-five or twenty-ſix perſons that have been examined; there is not directly nor indirectly, any thing that fixes on any one of theſe defendants a knowledge of the ſuit being in exiſtence, or that if it was, that he meant by this means to ſtop it: if you are of that opinion, moſt unqueſtionably you will ſay ſo by your verdict, and you will find that all the defendants except Bourn and Thomas Bowes, did conſpire to impriſon Lady Strathmore, but that they did not conſpire to ſtop that ſuit in the commons. Gentlemen, I now come to that which I conceive to be a matter where I ſhall have no prejudices to ſtruggle againſt; I am now to addreſs you on the part of Mr. Thomas Bowes, who ſtands by my learned friend Mr Lee, and I ſhall take the liberty preſently of aſking Mr. Lee what character he bears, whether he is not a man of fair and honeſt reputation, becauſe certainly where there is any doubt, or as here where there is very little doubt or no doubt, an anſwer to ſuch a queſtion, ſuch as Mr. Lee will give, will have great effect, and will be of very great conſequence indeed; for becauſe a gentleman, for reaſons beſt known to himſelf, we will ſuppoſe improper ones, chooſes to lay hold of his wife by violence, and carry her down to his houſe at the diſtance of two hundred miles, if it was to involve every ſervant, or every attorney employed, what would be the conſequence? Mr. Thomas Bowes was engaged in ſuits for Mr. Robinſon Bowes, and that accounts for the correſpondence, without preſuming that correſpondence had for its object the illegal conduct of the others; you are told that Mr. Thomas Bowes was employed as attorney for Mr. Bowes; with reſpect to the letters that are carried, they were carried by a man of the name of Stockel, who tells you that he brought money, but the ſubject of this letter is totally unknown; the firſt witneſs that is called to you on this ſubject is Orme, who told you that when the chaiſe ſtopped at the door my Lady was handed out, and another witneſs ſaid, ſhe deſired to have it made public, that ſhe did not give her conſent, but was brought there by force; there is no proof of any ſort or kind, which can leave you to fancy that Mr. Thomas Bowes knew that my Lady was under any reſtraint, there is nothing before you either directly or indirectly, from whence the knowledge can be imputed to Mr. Thomas Bowes, that he brought her away without her conſent, or if he did, that ſhe was not then perfectly reconciled. Orme ſays they ſaw her no more; whether Mr. Thomas Bowes ſaw her, or what ſhe communicated to him, whether ſhe related to him any part of the ill treatment, does not appear: but the queſtion is not whether or no Mr. Bowes connived at the impriſonment of this Lady in the county of Durham, not whether he aided and aſſiſted Mr. Bowes, but whether he conſpired with the others, either for the purpoſe of ſtopping this ſuit in the commons, or whether he conſpired previous to the 10th of November, previous to that day; the way it is ſtated is this, Mr. Bowes had been in London ſome time before, meditating moſt undoubtedly to get poſſeſſion of this Lady; finding he was diſcoved, and anxious not to appear to be concerned in it, he goes back to his Caſtle in the north, and there he ſends Bourne to Hobſon, deſiring him to entruſt him with this ſecret, that he is much deranged in his affairs, that he has fell from his horſe; Hobſon is to be ſent for, Hobſon who is impoſed on by Bowes, who believes he is in that

ſituation,

ſituation, he bleeds him and carries on the farce, this is another leſſon of caution; ſuppoſe Hobſon had been a defendant here, ſuppoſing it had been proved that he had been bleeding a man that had no fall, that he was going on a farce for ten days—Good God! gentlemen, if Hobſon had been a defendant, ſo as not to have an opportunity of ſpeaking for himſelf, is not that the ſituation of Mr. Thomas Bowes? Why you would have ſaid, has not this man practiſed a fraud?—Has not he been entruſted by Bowes? Has not he contrived the very ſcheme for putting that illegal act into execution? Has not he acted a part in the play, which was only the prologue to what followed? But from the circumſtances of this gentleman not being put into that ſituation, of his being made a witneſs inſtead of being made a defendant, he has the opportunity of ſtating the whole fact, and the moſt important evidence he gives for Mr. Thomas Bowes; you obſerve the defendant never communicated his real purpoſe to Mr. Thomas Hobſon for his appearing ill, but only that his affairs were deranged; he is aſked upon croſs-examination, and Mr. Bowes inſtructed me to put it, I hope I am not irregular in putting this, for as there is no interpoſition of a grand jury, in the information he has the opportunity of exculpating himſelf, and my friends know on his ſolemn oath Mr. Thomas Bowes has denied all knowledge of the matter: the Court then never foreſaw that he was to be proſecuted for a crime in the county of Middleſex, he may be proſecuted by another ſort of proſecution, and in my Lord's hearing I ſay, if you ſhould believe he did connive at the impriſonment of Lady Strathmore in Durham, if you believe he did connive at the violence which is not warranted, yet unleſs you have evidence to your ſatisfaction that he knew previous to coming to the Caſtle, that Mr. Bowes was about to impriſon her, then he is not guilty on this information, and I profeſs when the Court made the rule abſolute I thought it was this, by information of impriſonment in that county, but you muſt be convinced of this; no man can tell where ſuch a thing would reach, and in actually ſeeking to do juſtice, and preſerve the peace, you would deſtroy all peace; the queſtion now is whether you can upon your oaths ſay as a jury, that you are convinced upon evidence, not what you imagine, not what is probable, not what is poſſible, but whether you are convinced that Mr. Thomas Bowes, antecedently to the time of his going back to his home, knew he was going back for the purpoſe of bringing Lady Strathmore up, that he conſpired with him for that purpoſe, if he is not guilty of that, however he might in ſuch an inſtance be amenable, he is to day guiltleſs, he is not chargeable with any of theſe crimes that are made the ſubject of this information: Hobſon is aſked whether he has any reaſon to believe that Thomas Bowes knew he was ſick, he ſays he had no reaſon to think that he knew his ſickneſs was a ſham, on the contrary, that he had meſſages from others who did not wiſh to let him into the light; you are to preſume not merely without evidence, but in violation of the only evidence that has been adduced to criminate; and what other evidence is there? for it ſeems to me if Mr. Bowes would not truſt him with this ſham ſickneſs, he certainly would not truſt him with the other buſineſs, why he would have been the firſt man to know this circumſtance, by which alone it could have been carried on, and yet you obſerve if Orme and Hobſon had ſtood in the ſituation of Bowes, they would have been equally charged; you ſee that there were other proceſſes out againſt Mr. Bowes, he expected to have his goods attached, that he made it one of the terms of admitting Mr. Farrer into the Caſtle, that he would not permit the execution of theſe ponies, ſo that you obſerve he was not left as the ſteward of Mr. Bowes, but as his attorney; and there is no proof before you that Mr. Bowes then offered her any violence, he ſaw them go away, and he has ſolemnly ſworn, he had every reaſon to believe that they went in perfect affection together; when Ridgway came, he tells you the Caſtle was ſurrounded by a variety of country people, that the people threatened to ruſh in, for what purpoſe? why to heap vengeance on every body within the walls, he ſays it was an alarming ſituation—Ridgway ſays, that he aſked him what was become of Mr. Bowes and Lady Strathmore, to which he ſaid I cannot hold any converſation with you, but Ridgway ſays, he ſhut the window and went into the Caſtle before he read the Habeas Corpus, and therefore cannot tell whether he heard that proclamation or not; if we were examining whether Thomas Bowes has been guilty of any of theſe counts, then you might ſay according to your judgement on the caſe, but that queſtion you are not trying; the queſtion

is, whether before the 10th of November, before this lady was ſeized, he did aſſiſt Mr. Bowes, who is charged with it: I ſubmit in point of law that it would be abſolutely neceſſary to prove ſome overt act, againſt Mr. Thomas Bowes, as a conſpirator, in the county of Middleſex, if the conſpiracy was carried into effect by any thing to be done in another county, he muſt be tried in that county; this is certainly the law, there can be no acceſſary after the fact in treſpaſs, all are equally guilty both in treaſon and treſpaſs, therefore as it is not certain that Mr. Bowes knew of any intention in Mr. Robinſon Bowes to carry off his wife, I ſhall do no injury to my clients if I were to admit that he either knew it, or had a ſuſpicion of it, if he has been guilty of any act at all, it is in not raiſing the country, and not aſſiſting in the liberation of Lady Strathmore; ſuppoſe then he is guilty of an act againſt the law in the county of Durham, ſuppoſe he is guilty of continuing the impriſonment, and knew of the impriſonment, yet there is no ſort of proof which fixes him with any knowledge of the intention of Mr. Robinſon Bowes to carry back his wife, and there is but one day charged in this indictment: Gentlemen, with reſpect to Mr. Bourn, many of the obſervations apply to him, he is the ſteward of this gentleman, it would be very ſevere and very harſh if whatever reaſon you may have to puniſh Mr. Bowes, you are to involve every man who is at all connected with Mr. Bowes in that original treſpaſs committed by him, without any proof before you; now what proof is there before you that Bourn knew that Mr. Bowes was going back again to the South—he knew there was no real fall—he knew it was a ſham—he knew Bowes was not hurt, and immediately a man is apt to ſay, does not this look very ſuſpicious, that Bourn ſhould know this? Why Hobſon is in the ſame ſituation, and he did not know it—Orme did not know it—that is the difference between ſuſpicion and proof; and it would give one pain to obſerve on evidence, where a man cannot ſee his way. It does not at all appear that Bourn knew from Mr. Bowes, what was his purpoſe for falling; I offered to produce every letter—we had them all in Court ready to produce—they have never been called for, the production of a letter from one defendant to another can be no evidence for either, becauſe they muſt be all clear; but it proves that in the minds of the conductors of this proſecution, they thought there was no uſe in theſe letters, becauſe they might have aſked for them, and which would have anſwered every end they could poſſibly have in the producing them, if the rules of evidence warranted ſuch production. Gentlemen, Lady Strathmore is before ſaid by Mr. Rippon to have come home in Mr. Bowes's great coat, and Thomas Wade ſays, that as Lady Strathmore was getting out, ſhe ſaid ſhe was brought there by force, and that he had a converſation with Bourn about the cauſe of her calling out, who aſked him if he had not like to have overturned the carriage. Gentlemen, from the time ſhe came out of the Caſtle into the coach, no witneſs ſaw her; how far ſhe was ſoothed you cannot ſay; it is not true that ſhe made any complaint to Bourn—that ſhe made any complaint to T. Bowes, or to any one perſon at Streatlam Caſtle; that would at leaſt have ſhewn that they had not acted a proper part, but you are left wholly in the dark as to that, for there is not one inſtance, there is not any one witneſs that has come and ſworn that he heard her complain, and there has not been a witneſs called, that I recollect, who has proved to you that Lady Strathmore ever ſpoke to Mr. Thomas Bowes or to Bourn ſtating her ſituation, aſking aſſiſtance, and complaining of it afterwards; it appears that Bourn ſpeaks to different perſons in the Caſtle, and ſays he was very much ſurpriſed that Mr. Bowes was gone to London—but ſo he was, he had no reaſon to think ſo. Gentlemen, I believe I may ſay without hazarding any contradiction, even in your minds, when I am ſtating the propoſition, that there is not any one fact or circumſtance, much leſs in the combination, to lead to a certain concluſion that either Mr. Bourn, or particularly Mr. Thomas Bowes, knew that he had that intention of carrying away Lady Strathmore, or that they aided or aſſiſted him in that intention; if you are of that opinion, then unqueſtionably you will acquit them on this record, becauſe you never can ſay that men are guilty of conſpiring to do an act, when you cannot ſay that there is any one circumſtance of their guilt. Gentlemen, I am ſure I need not remind you of the great importance in every cauſe of this ſort, to diſtinguiſh between the innocent and the guilty; where there has been reaſonable evidence of guilt, I hope I have not attempted by obſervation to do away proof, but that I have confined myſelf to the proper province of a council, to diſtinguiſh the different charges one from another—to diſtinguiſh the different charges, I imagine, that Robinſon Bowes and the other defendants, all but Bourn and Thomas Bowes, are moſt undoubtedly ſubject to be convicted on the fifth count of this information;

and if you think that they knew of the purpoſe for which ſhe was carried off, moſt undoubtedly under the three firſt counts; but that there is no evidence againſt Bourn and Bowes, and I humbly ſubmit that there is not even evidence to go to a Jury againſt them, in as much as if there had been a conſpiracy to carry off this Lady on the 10th of November, that that would be an overt act of that conſpiracy in the county of Durham, which muſt be the ſubject of an information, or an indictment in that county. If my Lord ſhould be of that opinion, then there will be nothing to be left to you at all on the ſubject of theſe two gentlemen; if on the other hand he ſhould not be of that opinion, then you will think whether you can ſay with firmneſs, that theſe gentlemen, or either of them, and particularly the laſt of them that ſtands near me, can be at all affected with having taken any active part in ſeizing this Lady, which is the only charge. Gentlemen, I ſhall call only my learned and worthy friend Mr. Lee, merely to anſwer that ſingle queſtion, to ſay, whether Mr. Thomas Bowes is, or is not, a man of character; becauſe it requires, and ought to require much more evidence to convict a man who has a fair and honeſt reputation in the world; and if you conſider the ſituation in which this gentleman ſtands, that it is almoſt ruin to him and his family, as an attorney, intruſted with other people's affairs; when you conſider the conſequence of your verdict, you will certainly examine the evidence with great correctneſs; if you have reaſon to find him guilty, no conſequence that can ariſe to himſelf, or any character can avail; but if there is nothing but ſurmiſe and poſſibility, for I will not uſe the word probability, in that caſe you will acquit him; and Gentlemen, the queſtion is, Whether there is ſufficient proof to convict a man of that crime in his ſituation?

Mr. LEE *offered to be ſworn.*

Mr. MINGAY. I conſent to it as if upon oath.

Mr. LEE. I have known Mr. Thomas Bowes many years, I believe ever ſince the time I have gone the Northern circuit, or at leaſt ever ſince I have gone to reſide in the county of Durham; I have known him in buſineſs pretty frequently—known a good deal of his reputation, and I never heard any thing againſt him, I think, in my life—I do not think I have known a practiſer of fairer character than he has borne; and from that time, I ſay nothing relative to this matter, about which, indeed, I know nothing but from rumor; but I never did know a man of his profeſſion, bear a fairer or more honourable character in my life.

C O U R T.

GENTLEMEN of the JURY.

This is an information againſt the ſeveral defendants, who are nine in number; and they ſtand charged—firſt, with conſpiring to take and impriſon Lady Strathmore, in order to oblige her to drop a proſecution which was then depending in the Eccleſiaſtical Court, by which ſhe ſought to obtain a divorce againſt Mr. Bowes her huſband. There is another charge for a conſpiracy to impriſon her, and another for aſſaulting and impriſoning her, without ſtating any conſpiracy. With reſpect to the firſt ſeven defendants, Andrew Robinſon Bowes, Edward Lucas, Francis Peacock, Mark Prevot, Charles Chapman, William Pigg, and John Bickley, it has been proved that theſe ſeven were all acting upon the ſpot in the county of Middleſex; and in a caſe of this length, where the facts of the caſe have been proved over and over again by different witneſſes, it does not ſeem to me, that I ſhould render any eſſential ſervice to you by repeating all the evidence to you over again; the ſubſtance of it is, that in the year 1785, the ſuit in the Eccleſiaſtical Court for a divorce was commenced; that that ſuit was depending on the 10th of November, 1786, at the time this Lady was taken away in the manner you have heard; it has been proved that previous to that time, the defendant Bowes, paſſing under feigned names, and for what reaſon has not been aſſigned, in company with others of the defendants, who likewiſe went under borrowed names, had been watching in different parts, in order to ſurpriſe this Lady, and that at laſt they got poſſeſſion of her by means that muſt ſhock every man in this country, who has the ſmalleſt regard for his perſonal liberty or ſafety. Here is a charge trumped up, for ſo I may call it, in as much as no evidence has been given, under which a warrant

warrant is got from a magiſtrate to apprehend her two ſervants that attended her, her coachman and footman; that is carried on by a man, who at the time filled the office of a conſtable—a peace officer is proved to have been one of the moſt active in carrying this plan into execution; they take her by force, and carry her through the publick ſtreets of London as far as Highgate, ſome of them giving out that ſhe is to go before Lord Mansfield at Caen Wood; at Highgate ſhe is met by Mr. Bowes, and from thence they carry her two hundred and forty miles in the ſpace of thirty hours, or thereabouts, ſhe repeatedly crying murder, and intreating aſſiſtance and none could be obtained, and ſhe is carried to Streatlam Caſtle by theſe men, not long to remain there, becauſe ſhe is carried in the dead of the night from thence in a very cold and inclement ſeaſon, over mountains to different houſes, at which they thought it neceſſary to ſecrete themſelves, and ſo ſhe is carried about from place to place, till ſhe is reſcued by the people of the country. This is the general outline of the buſineſs, and the firſt queſtion for your conſideration will be, what was the end and object of all this conduct in Mr. Bowes? It is ſaid on the part of the proſecution, it was for the purpoſe of getting rid of that ſuit which was depending in the Eccleſiaſtical Court. No other reaſon whatever has been ſuggeſted on the part of the defendants; it has been proved that this ſuit was then going on, and had been pretty far advanced, and one of the witneſſes tells you, all theſe defendants have acted in the deſign of taking her and putting her into the poſſeſſion of that man, againſt whom that ſuit was brought. One of the defendants, Bickley, after he had attended ſome time part of the way, and had got as far as Barnet, aſſigns as the reaſon, that Mr. Bowes had ſome law-ſuit depending, and it was neceſſary to have Lady Strathmore when the cauſe came on, and he had been employed by Bowes three weeks, at two guineas a week; this man therefore ſwears he knows of the cauſe—How could he know it?—Could he know it but by Mr. Bowes? You find it proved that all the other five defendants are with Mr. Bowes, and lodging under feigned names; that they dodged her from time to time, and when on the North road this is the reaſon aſſigned by him. The next evidence is what paſſed at Stilton, there I think there were five of the defendants; alſo Mr. Bowes was alone with her in the room when he wanted to make her ſign a paper, he called for pen, ink, and paper, wrote ſome lines, and when the waiter went in again, Mr. Bowes was ſtanding by her, and he heard Lady Strathmore ſay, I will not ſign it for you nor any body; you ſee again by Mr. Bowes's conduct what is the object he had in view; there are five other defendants that are then with him, they forced her into the carriage, it is true they are not in the room when this paſſes, but the queſtion is, whether they who accompanied him in this buſineſs, did not know the view in the proceeding which Mr. Bowes had, and which Bickley avowed he had; if they all knew it, then there cannot be a doubt but theſe ſeven defendants muſt be convicted. The Council for the defendants has very ably endeavoured to diſtinguiſh between the caſes of the ſeveral defendants, and pointed out to you that there is no expreſs evidence of this deſign being known to any body but Bowes and Bickley; it is my duty to tell you, that in point of law you cannot convict thoſe two defendants alone of this conſpiracy; conſpiracy neceſſarily implies that three or more perſons have been engaged in it, and if on the whole of the evidence, you ſhould be of opinion that there is no guilt to be imputed to any of the defendants as far as the conſpiracy goes, you muſt neceſſarily acquit them all; but upon this ſubject it will be material to conſider a little what the law is as to conſpiracies in general; if ſeveral perſons engage in a conſpiracy to do an illegal act, and each man takes his part, though the full end, deſign, and ſecret be not known to all but one, yet if all will boldly engage under the banner of that man who is the principal, if they are determined to go all lengths he may require to effect his purpoſe, and that purpoſe be effected, all will be anſwerable to the full extent of the crime; ſo it is in the caſe of more ſerious offences, with which our law books are filled; if a number of perſons will engage in an illegal act, and one of them who is the great mover of the buſineſs has ſome ſecret deſign in his mind to commit a murder, if in purſuance of that act he kills a perſon totally unknown to all the reſt, yet if it be done in purſuance of that illegal combination, all of them are clearly guilty of murder. Upon theſe obſervations it will be for you to ſay, whether on the evidence you have heard, you are of opinion or not, that the ſeven firſt defendants are all proved to be conſpiring with Mr. Bowes, and acting with him in that deſign, for the purpoſe of prevailing on Lady Strathmore to ſign this paper, if ſo, the ſeven defendants are guilty. Then the queſtion will be, whether they all concurred in the act of impriſoning her in the manner ſtated by the third and fourth counts. With reſpect to the other two defendants,

Bourn

Bourn and Thomas Bowes, their caſes certainly ſtand in a different light; therefore I will ſtate to you ſeparately and diſtinctly, what is the evidence that affects either the one or the other, and I will begin with Bourn. Thomas Wade is the firſt witneſs that ſpeaks of Bourn; he was the poſtillion at Greta Bridge, he drove Mr. Bowes and Lady Strathmore—ſhe cried out ſeveral times, and ſaid ſhe was brought there by force, and deſired it might be made publick; ſays he, I ſaw Bourn there, he ſaid he ſuppoſed I had like to have overturned the carriage, which made Lady Strathmore cry out ſo—I told him that was impoſſible, becauſe ſhe never cried out till ſhe was out of the carriage—he aſked what ſhe called out for, and he ſaid it was likely he ſhould know as well as him—Does not this converſation import that he knew what ſhe ſaid—that he had heard her cry out, or elſe he could never charge the poſtillion?—there was no danger—there was no probability of her being over-turned, and the witneſs remarked to him at the time, that ſhe did not cry out till ſhe was out of the carriage; the queſtion therefore is, whether on this evidence you do not ſee Bourn practiſing this artifice in order to throw a falſe colour, and miſlead Wade. Thomas Colpits ſays, this was before Bowes came to London, on the 25th of October, I was at Barnard Caſtle and obſerved Mr. Robinſon Bowes, Bourn, and Prevot mount their horſes, and proceed towards Streatlam; when they had gone a ſufficient time to get to Streatlam, Bourn returned in a violent hurry to call Hobſon the ſurgeon; the ſurgeon went off, and Bourne gave out at the poſt-houſe, that Mr. Bowes had received a very bad accident on the road, that his horſe had fallen, and that he had pitched over him two or three times—Hobſon is underſtood to bleed him—Bourn came up with a poſt-chaiſe—Bourn and Prevot returned and counted his money, and they put Bowes into the chaiſe, and Bourn and Hobſon returned to the Caſtle—Here then you ſee that Bourn is acting on ſome deſign that has not been explained; that there is ſome artifice going on between Mr. Bowes and the defendant Bourn, ſo early as the 25th of October. The next witneſs, Robert Hobſon, tells you he was ſent for—Bourn was the man that came to him—then Bowes aſked him if he could keep a ſecret, and then he told him of this intended plan to fall off his horſe, and Bowes gave him a letter to copy for Mr. Lee, and then he tells you on the 5th or 6th of November, Bourn told him that Bowes was in London, and that he had received a letter, and that he wiſhed to have it ſaid that Mr. Bowes went off the night before by expreſs; the queſtion is, What can this conduct be attributed to, unleſs he was in the ſecret of Bowes's going to London on his buſineſs there?

On the 25th of October, a fortnight before this Lady is taken, you find him acting his part with Bowes, which is proved to be a mere fiction; Bowes goes to London, then he wants to have a falſe date given to the time of going to London—why ſhould he wiſh that? he deſires it may be ſaid he went off by expreſs. The next witneſs that ſpeaks of Bourn is Abraham Dunn—ſays he, I went in purſuit of Mr. Bowes, I ſaw Bourn three miles from Darlington, he followed me to Darlington, then he went back to meet Bowes—this is the whole of the evidence againſt Bourn. With reſpect to him, you ſee he is acting a very ſtrange part, at leaſt with Bowes, long before this Lady is taken; his conduct is totally unaccounted for or unexplained—he lives in Mr. Bowes's houſe, he is ſo far in his ſecret, as appears by the evidence, that he is the man entruſted with the letter when he arrives in London, and he is the perſon to propagate the falſehood, as to the time when he ſat out; beſides that, you hear from different witneſſes, the conduct Bourn was guilty of, after Lady Strathmore was brought to Streatlam Caſtle; now with reſpect to this defendant, and likewiſe the defendant Thomas Bowes, you have been told at the bar, that it is neceſſary in point of law, that ſome overt act muſt be proved againſt them in Middleſex; in my opinion, the true rule is this, if theſe defendants Bourn and Bowes were privy and aſſenting to the deſign, before Lady Strathmore was taken away—if they are proved to have adviſed or concurred in it, they are all equally guilty with thoſe who acted on the ſpot; and in the caſe of a conſpiracy, one can only pick up the acts and knowledge of the different parties, from what it appears they have done in the different ſtages of the buſineſs, even independant of that evidence which I have ſtated to you againſt Bourn. On the 25th of October, prior to the time Lady Strathmore was taken, there is that evidence which I am bound to ſubmit to your conſideration; for though it ſhould be proved only againſt him, or againſt Mr. Bowes, that they have acted in the buſineſs after ſhe was taken from Middleſex, and carried into the county of Durham, yet if from thoſe acts you are of opinion they were privy to the deſign at firſt, that will warrant the

concluſion

concluſion that they are guilty alſo; but it is for you to draw that concluſion—if you ſhould be of opinion that either of them were totally unacquainted with the buſineſs, till they found her in the county of Durham, I think in this caſe they ought to be acquitted; but if from their conduct afterwards, you are ſatisfied that they alſo were privy to the deſign before ſhe was taken in the county of Middleſex, that will be ſufficient to convict them alſo. With reſpect to Mr. Thomas Bowes, it will be material for you to conſider a little, what is his character and ſituation in life; it is proved that he is the attorney of Mr. Bowes, the principal defendant; he had been concerned for him in his buſineſs ſome time before—he does not appear perſonally to have acted in this buſineſs till they got to Streatlam Caſtle—but he came there on Sunday, and in the middle of the night—he came into the room where Peter Orme ſlept, and he called Thomas—Thomas, ſays Orme, I am not Thomas—upon that he went into the next room where Chapman and Pigg lay, he ſtaid ſome time, and they had a good deal of converſation, but the witneſs did not hear what it was; after this, ſays the witneſs, I took up ſome papers which had been put under the door, I ſhewed them to Mr. Thomas Bowes—ſays he, put them where you found them, for I have nothing to do with it—ſays the witneſs, it was a paper with ſome writing upon it, I found it about nine. Then Mr. Hobſon tells you, that he ſaw Mr. Thomas Bowes at Streatlam Caſtle—this was the time that Bowes was ſaid to be ill there, and Bowes was denied to him—Bowes ſaid he was afraid of his creditors—as for himſelf, he ſaid, he had no conception, and he believes that Thomas Bowes knew no more of it than he did; he came on buſineſs, he ſaid he wanted to ſee Mr. Bowes on particular buſineſs—Bourn told him he could not be ſeen, and Bourn carried up the meſſage, and he ſaid he believed he was in the dark about it—ſays Hobſon, I brought down a verbal meſſage in order to deceive him. Thomas Ridgway ſaid he got to Streatlam on the 13th of November, about three, he could not get admittance, he called out, and a gentleman came to the door, and ſaid who do you want?—he ſaid he wanted to ſpeak to Mr Bowes, his name was Ridgway, and he was alone; and the gentleman, whom he ſince underſtands to be Mr. Thomas Bowes, opened the window, and ſaid Mr. Bowes was not there; and he aſked him how long he had been gone—to which he replied, I cannot hold any converſation with you on the ſubject; he waited there along while, and ſhoved the rule under the door, called out, and demanded Lady Strathmore a vaſt number of times; and he ſays, he thinks Mr. Bowes was within hearing—it was poſſible he might hear. Chriſtopher Stokel ſays, he carried a letter from Mr. Bowes to Mr. Thomas Bowes the day they came to Streatlam Caſtle; Bourn gave it him, and he delivered it to Mr. Thomas Bowes at Darlington; that he carried ſome Bank notes, and brought back threeſcore guineas; and Mr. Farrer tells you, that Mr. Thomas Bowes acted as the attorney to Mr. Bowes; that he ſaw him at the Caſtle on the 16th of November, when he demanded the Lady as he did the day before, and that he told him, he ſhould be ſorry to commit any violence, but muſt break open the Caſtle, and when the people began to force the way, then a voice called out, I will let you in with one or two friends, which he ſuppoſes to be the voice of Mr. Thomas Bowes, no other perſon being in the Hall; and upon his enquiring after Mr. Bowes and Lady Strathmore where they were—he ſaid he had not ſeen them; and upon his more particularly addreſſing Mr. Bowes, and ſaying, Sir you certainly know where they are, he ſaid, he would not anſwer any queſtions upon interrogatories. Then Robert Peverell tells you, that he ſaw Orme give a paper to Mr. Thomas Bowes, and he ſaid it muſt be put back again, and not be looked at; and he ſays, that Thomas Bowes did not mention any writ or pone to him at firſt, but afterwards he made terms that a pone ſhould not come into the houſe. Gentlemen, theſe are all the witneſſes that ſpeak about Thomas Bowes. Mr Lee has been aſked as to his knowledge, of Mr. Thomas Bowes—he has known him for many years, and never knew a man of a fairer character—ſo it ſtands as to the laſt defendant, Thomas Bowes; and firſt of all, on the croſs-examination it has been endeavoured to lay facts before you, from whence you might conclude, that Mr. Thomas Bowes, even in the part he acted at Streatlam Caſtle, was actuated by very different motives—not with a deſign or intent to aſſiſt Mr. Bowes in the violence he might have againſt the perſon of Lady Strathmore; and it has been proved, that as to one of the witneſſes, he made an agreement with him, that he would not let him in, unleſs he would engage, that no writ of pone ſhould be exe-

cuted—the writ of poney you have heard is a writ in the county of Durham, by virtue of which the goods of the defendant are ſeized, in order to compel an appearance, but you have no evidence that any ſuch writ ever exiſted; it is in evidence that the mob never collected, or came about the houſe, till the Tipſtaff came; you are likewiſe told, he never ſaw Lady Strathmore in the houſe—if it is proved to you, that on the very day Mr. Bowes comes down to Streatlam Caſtle, he writes to Thomas Bowes, his attorney, and he comes over—it will be for you to ſay, whether it is poſſible he ſhould be ignorant ſhe was there? If he knew ſhe was in the houſe? the queſtion is, whether that does not go a great way to prove what he pretended not to know? But you find by the evidence of Rippon, that even before they got there, he is in extreme anxiety about Mr. Bowes, and about ſome intelligence he was to receive from him—for he ſays to Rippon, he expected letters from Mr. Bowes about the time of the fall, and therefore he ordered this witneſs to go every morning to the Poſt-office, to ſee if there were any letters—he is aſked how do the letters from Streatlam come?—why not by the poſt, but by an old man by the name of Chriſtopher—then what letter could Thomas Bowes expect? The queſtion will be, whether on his evidence, and his conduct afterwards when he is in the houſe, and the ſecret manner in which he goes from room to room to the ſervants, whether on this evidence you are ſatisfied that he alſo was privy to the deſign?—if you are of that opinion you will find them all guilty;—you are to compare the evidence, and you will ſay whether there is any difference in the guilt of the defendants.

The Jury, after a very few minutes conſideration, and without retiring, (at half paſt four in the afternoon) brought in their verdict, ALL GUILTY *of the whole charge.*

THE

THE JUDGMENT OF THE COURT, WITH THE ARGUMENTS of COUNSEL on giving the ſame.

ON Tueſday the 26th of June, 1787, Andrew Robinſon Bowes, Eſq. Edward Lucas, Francis Peacock, Mark Prevot, and Henry Bourn, were brought up in cuſtody of the Marſhal of the King's Bench Priſon, into the Court of King's Bench at Weſtminſter, before the Judges ſitting there, in order to receive ſentence for the crime of which they had been convicted, when Mr. Juſtice Buller (after reading his report of the evidence before ſtated to have been given on the part of the proſecution) made the following obſervations on the five defendants above named:—

The caſe of the ſeven firſt defendants in this cauſe, who were thoſe acting in London, ſtood ſo circumſtanced, that the Counſel at the trial very wiſely left it on ſome general obſervations, for the caſe afforded no others.

With reſpect to the other two defendants, they were very ably defended; and the ground of their defence principally was, that they were never out of the county of Durham; the rule I laid down at the trial was this, that if the Jury, on the whole of the caſe, were of opinion, that they were totally unappriſed of the buſineſs till Lady Strathmore was actually found in the county of Durham, I thought they ſhould find them not guilty; but if from their conduct afterwards, they were ſatisfied that they alſo were privy to the deſign, before ſhe was taken in the county of Middleſex, in that caſe they were all equally guilty; only one witneſs was called on the part of the defendants, which was Mr. Lee, who ſaid he had known Mr. Thomas Bowes many years, and known him in buſineſs pretty frequently, and known a good deal of his reputation, and never knew any man in the profeſſion that bore a fairer or more honorable character. On this caſe the Jury found all the defendants guilty, and I think there are five of them appear; and I will therefore ſtate a little how theſe five ſtand—Mr. Bowes himſelf ſtands in a ſituation that requires no comment;—there is Francis Peacock, who, I think, appears by the evidence, to have been with Mr. Bowes ſo early as October, is proved to be a man acting in the buſineſs from that time to the moment Lady Strathmore was carried off;—the next is Mr. Bourn, who was ſervant to Mr. Bowes, who lived at Streatlam Caſtle, and it does not appear he was out of the county of Durham at all;—the next is Mark Prevot, who was Mr. Bowes's ſervant, and attended him during the whole buſineſs;—the only remaining man is Lucas. Now Lucas is certainly proved to be a conſtable, a peace officer, and miniſter of the public juſtice of the country; he has availed himſelf of that character, in order to carry this plot into execution—it is not probable that any man but a peace officer could have carried this plan into execution, which we have heard of. Beſides this, it appears on the evidence, that Lucas had inſinuated himſelf into the good opinion of Lady Strathmore under the maſk of friendſhip—that he offered himſelf to her as aſſiſtant—he enliſted himſelf into her pay, and actually received her money down to the hour ſhe was taken off.—There is likewiſe this ſtrong evidence for ſaying that this man was the contriver of the whole buſineſs—he aſſembles them all together, before they went to make the affidavit upon which they took up the coachman and footman; and therefore there is ſtrong reaſon to ſuppoſe he was privy to that perjury committed by Chapman—Chapman was carried

before

before Mr. Walker, at whoſe office this man attended; when he gets to Forſter's, where Lady Strathmore is, he gets her to open the door, telling her, that her friend Lucas was come—by that treachery he got admiſſion to her; and it ſeems to me, that there never was any conduct in which the character of a peace officer has been ſo abuſed as by him; at the voice of a conſtable, and at his appearance, every man opens his doors with perfect confidence, knowing that both his perſon and property will be protected from violence—the moſt hardened offender ſubmits to his authority, becauſe he is ſure, that as far as concerns the ſecurity of his perſon he ſhall be protected; this man, who in words had mocked and inſulted Lady Strathmore, by pretending to protect her, was the very man who took her in this manner till he ſaw her locked up ſafe within the walls of her own Caſtle.

Mr. Erskine. We wiſh to pray your Lordſhips to have an opportunity of anſwering thoſe obſervations which the Counſel for the Crown ſhall make on our affidavits, and then the Crown is not deprived of the liberty of anſwering thoſe arguments, by way of reply; this I take, my Lords, to be the order of your proceedings.

Mr. Mingay. On the part of the Crown, I believe the practice to be directly contrary; it is always of courſe for the Counſel on the part of the defendant to read their affidavits, if they have any, then the Counſel for the Crown to make their obſervations.

Mr. Justice Ashurst. If they produce affidavits, and you ſhould anſwer them, then to be ſure it is fit they ſhould begin firſt.

Mr. Mingay. On the part of the Crown, I certainly pray that you will paſs a very heavy ſentence on theſe perſons now before the Court, if my learned friend Mr. Erſkine has nothing to ſay in mitigation.

Mr. Erskine. I am not perfectly underſtood—I wiſh to know whether the other learned Counſel who attend on the part of the Crown have any thing further to offer; becauſe I take it for granted, that every man muſt have an opportunity of anſwering what is alledged, elſe why ſtand here as Counſel; if therefore my learned friend Mr. Law, and the others, if they have any thing to alledge, I truſt I ſhall have an opportunity of anſwering it.

Mr. Law. In the caſe of the King and Bowman there was the ſame objection made, and it was ordered to go on.

Mr. Erskine. However the evidence may be diſtorted in obſervation, I am here without any probability of making a reply.

Mr. Justice Ashurst. But the Counſel certainly cannot anſwer the affidavits before they have heard them.

Mr. Erskine. I am intirely in the judgment of the Court.

Mr. Justice Buller. You ſhould produce the affidavits firſt, and they ſhould be opened; but I do not know that any rule has been ſettled whether they are intitled to two ſpeeches or one.

Mr. Garrow. In the King and Aylett they ſpoke in extenuation firſt.

Mr. Justice Ashurst. Then Mr. Erſkine open what your affidavits are.

Mr. Justice Grose. The Counſel for the Crown have no affidavits to read in aggravation.

Mr. Erskine. None at all.

Mr. Erskine in Mitigation.

My Lords,

IN repreſenting the different perſons who appear before your Lordſhips to day, I wiſh to put myſelf, if poſſible, in the ſame temper of mind which they ought to be in, when they ſtand before your Lordſhips, with all that humiliation which becomes them; therefore, I purpoſe ſo to manage this matter, knowing that whether I ſpeak firſt, or whether I ſpeak laſt—whether I have an opportunity of replying or not before this buſineſs is finiſhed, the Court will be perfectly in poſſeſſion of all that can be ſaid in point of defence; before I proceed to ſtate thoſe circumſtances which I am humbly to offer to the Court in mitigation of the ſentence, it is neceſſary that I ſhould conſider what ſort of evidence it is, that it is for me to comment upon; and I apprehend there is no principle clearer or better underſtood than this, that you will not preſume any fact is found by the Jury, except ſuch as are neceſſary to ſupport their verdict, and that all thoſe facts which have been given in evidence before the Jury, and which have received

received perfect credit both from the Jury and the Court, could not in point of law have changed that verdict; when I conſider the ſituation of my unfortunate clients, particularly ſome of them, I confeſs it is a peculiar ſatisfaction to me, that the manner in which the cauſe was conducted at the trial received the approbation of the learned Judge, and I feel myſelf very much obliged to that learned Judge for publickly expreſſing that approbation; it does relieve me from that load of anxiety which I hope always to feel when the happineſs and comfort, and ſucceſs of others depend on my feeble endeavours. I thought it very much my duty in decency, in reſpect to the public order, and the laws of the country, to forbear offering any circumſtances, which however they could not tend to alter the verdict, might have operated as a ſnare to the conſciences of the Jury, and might have miſled the public; but though they never could in juſtice change the verdict, yet they may very much change the ſentence today. If therefore in the courſe of the trial, I could have ſhewn that Mr. Bowes conceived the plan of carrying Lady Strathmore from her ſituation—not for the purpoſe of ſtopping that ſuit—not by perpetual impriſonment—not by removing her from the poſſibility of proſecuting that ſuit, but becauſe it was impoſſible for him to withdraw her from the conſpiracy that had been practiſed on both their happineſs; if I could have proved, my Lords, that after they had gone two ſtages from London ſhe was perfectly reconciled—if I could have proved that ſhe embraced Mr. Bowes as her deliverer, why, my Lords, your Lordſhips know very well that could not change the verdict, becauſe however proper Mr. Bowes's conduct might have been, he muſt purſue ſuch conduct in legal courſes; he certainly ſtands before your Lordſhips, whatever may be ſaid in mitigation, truly and juſtly in that reſpect convicted; this therefore is the proper ſeaſon to lay before you all the motives that produced this conduct; but before I go to that part of the caſe, it will be neceſſary to diſtinguiſh the ſituation of the different defendants.—I am certainly not moving for a new trial—I am certainly not ſaying you are to pronounce no judgment on Mr. Bourn, yet it ſeems that the evidence on which he is convicted is of ſo ſlight and doubtful a nature, ſo hardly within the bounds and limits of law, even taken for true, that you will feel the impreſſion of that doubt; it appears that he was never within two hundred miles of this ſcene of oppreſſion—it appears that Mr. Bowes never communicated to him his intention of carrying off this Lady—it does not appear directly or indirectly, that he was guilty of one overt act in this conſpiracy, but the utmoſt is, that which I hardly think is a crime in England, a ſpecies of miſpriſion, that he knew the plan of Mr. Bowes, that he was acquainted with his intention of going back to London, from acting in concert with Hobſon, in the ſuppoſed fall, and from his afterwards ſuffering Mr. Bowes to take a chaiſe, in the proſecution of this buſineſs, in the county of Durham. The Jury were to collect from thence an overt act of conſpiracy; I apprehend that if it appears to the Court, that upon the evidence Bourn ought not to have been convicted, you will pronounce no ſentence upon him, or at leaſt a nominal one. In a queſtion of civil proſecution, where no new trial is moved for, you muſt confirm the verdict of the Jury, and the proſecutrix is entitled to the fruit of that verdict, but when your Lordſhips ſit there to pronounce a diſcretionary judgment, I take it for granted that you will pronounce no judgment, if you ſee either that this man's conduct ſtands on ſuch doubtful evidence that he cannot be ſuppoſed to be guilty, or that that is not founded in law; in either of theſe caſes I hope you will pronounce no ſentence on Mr. Bourn. I take it that there is nothing more clear than this, that to warrant a conviction againſt Mr. Bourn, on an information filed with the venue laid in Middleſex, that he muſt have been guilty of ſome overt act of conſpiracy in that county, and that the Jury muſt have been able to collect from evidence ſuch overt act; now the utmoſt that could be inferred is, that the Judge told the Jury they were warranted to infer, that he knew of the intention of Mr. Bowes in October, that he concealed that intention, and that he abetted it; but where did he abet it? He abetted it, if at all, in the county of Durham: there is no evidence, directly or indirectly, that he was preſent when Lady Strathmore complained ſhe was under dureſs; there was only one circumſtance of that kind under the gate of the caſtle, and then Bourn was not preſent; he ſees her therefore in the poſſeſſion of her huſband, he ſees her in his poſſeſſion, apparently, with her conſent, it is, therefore, reduced to this dry point of law, this is an abetting to an act to be carried into effect, contrary to law, in the county of Middleſex, by a perſon locally in the county of Durham, never going out of that county. Does that warrant a

 conviction

conviction of any perſon in the county of Middleſex? Now is Bourn to eſcape from juſtice altogether, or how to be convicted? I anſwer thus, after the conviction of Bowes and his other aſſociates in London, Bourn might have been convicted by information filed, or an indictment, in that county, charging him with an overt act of conſpiracy in the county of Middleſex, and it ſeems to me to be an abolition of that local judicature, which has been immemorial in this country; and, I apprehend, if this had been an overt act of high treaſon, if it appeared that he had always been perſonally preſent in the county of Durham, that he could not have been tried with the other defendants, whoſe acts of conſpiracy were properly laid in the county of Middleſex. But, leaving that to the Court, in the firſt place, for againſt Bourn the evidence is extremely ſlight; and, my Lords, I hope it is no part of the principle of the law of England, that guilt is to be preſumed, intended, or inferred, I apprehend the contrary is the caſe; and that it is neceſſary to faſten on Bourn ſome overt act of the crime with which he was charged, of conſpiring to impriſon this lady, on the 10th of November, in the county of Middleſex; now what is there? Nothing, but that Mr. Bowes having told Bourn, as he ſwears poſitively in his affidavit, that if he could only gain the ſmalleſt opportunity to ſee Lady Strathmore, he could defeat the deſigns of his enemies; that all his paths were watched and marked, and that the only chance he had, was, by having it ſuppoſed that he was ill, and to take a private journey to London, and that he deſired him to go to Hobſon to fetch him; the only evidence againſt Bourn is, that he abetted this deceit of Mr. Bowes, in ſaying that he had fallen from his horſe, Mr. Bowes poſitively ſwearing before your Lordſhips to-day, that he never did communicate to Bourn any ſuch intention, and Bourn declaring that he never had any conception of ſuch intention, and that when he ſaw her at the caſtle, he ſaw nothing that led him to believe her to be there, otherwiſe than by her own conſent. My Lord, Mr. Bourn ſtands in another predicament, he was a ſervant to Mr. Bowes, you will not wiſh to break that domeſtic confidence, unleſs Mr Bowes had been carrying on ſomething againſt the government of the ſtate, in that caſe the duty to the government ſuperſedes all others, but I cannot think it is proper that the moment a ſervant has reaſon to ſuppoſe his maſter is about to be guilty of ſome petty crime, that the inſtant he is engaged in ſome act which the law will not juſtify, he is to be dragged to puniſhment, becauſe he does not behave with that decency or propriety, which his ſervant may think neceſſary. If Bourn had been a mere ſtranger, officiouſly practiſing this deceit, you would have preſumed every thing againſt him, but here is the ſubordination which a ſervant ought to uſe to his maſter, that he does thoſe things by his command; his maſter may not communicate to him his object, Mr. Bowes ſwears he did not, Bourn confirms that affidavit, by ſwearing he did not ſee, or know of his plan; and under theſe circumſtances, the evidence being ſo very ſlight, I hope you will be very mild in your Lordſhip's ſentence on Mr. Bourn. Permit me to add, my Lords, that he is an agent for annuitants in the county of Durham, he has a large family, and you will expoſe his family to abſolute ruin, if he is impriſoned in the King's Bench or in Newgate, for how is it poſſible for him to continue ſteward to the annuitants on the eſtate, and then he is deprived of his bread and his family turned out of doors: I do hope that the Court, before they ſubject a man to ſo much miſery, to ſo much ſhame, will ſee that the judgment ſtands on a clear and unequivocal foundation: the ſame reaſon may be aſſigned for Mark Prevot, he is a ſervant to Mr Bowes, obſerving his commands, a foreigner, a ſtranger to our conſtitution and laws, and obſerving literally what his maſter commanded: with reſpect to Mr. Bowes himſelf, he ſtands in a very delicate ſituation, and I feel I ſtand in ſuch a ſituation too; it became neceſſary at leaſt for my learned friend and myſelf to leave it to him to take this matter upon himſelf, and he offers theſe affidavits; and though I do not think he is offering to you any matter which can poſſibly aggravate his ſentence, but much which will go in mitigation, yet when theſe affidavits come to be read, there are circumſtances contained in them which you will eaſily ſee go beyond that diſcretion, which, in my humble opinion, a counſel ought to aſſume; but then you will conſider how far it is fit and proper, and in what ſituation Mr. Bowes found himſelf to force him to diſcloſe theſe things to your Lordſhip that was for his determination, and not for ours: if Lady Strathmore had confined her application to the Courts of this country, to her own ſecurity, this matter would never have appeared, and you will ſee in her huſband much deſire to conceal it, but when ſhe comes

comes here for vengeance, if a man is ſo ſorely preſſed, it is not a wonder if he ſhould turn in his own protection, and ſtrip this lady of the maſk in which ſhe has ſo long walked, that of an oppreſſed and perſecuted woman; he tells me and his other counſel that there is another tribunal to which, as a man of honor and feeling, he is amenable, namely, the great tribunal of the public, and although no man can indure not to ſtate what were his ſufferings, or what were the motives of his conduct, if it was to a woman that had all along conducted herſelf properly, yet in this caſe I am to ſtate to you, with much reluctance, the matter contained in theſe affidavits: Mr. Bowes ſtates, (but before I mention any part of the affidavits, I will only make this obſervation) during the time I have had the honor to attend the court, I have had occaſion to cite ſeveral caſes which ſeemed to me to mark out very accurately the power of a huſband in this country, and I apprehend it was decided in one of thoſe caſes in the King's Bench, that if a huſband ſaw his wife conducting herſelf improperly, it was part not only of the power and authority of her huſband, but part of his duty alſo to reſcue her, and bring her back to that control, which, by the law, he has over her as a protector; and I apprehend in the moſt material part of theſe affidavits Mr. Bowes is confirmed by other perſons, and you will think, I am perſuaded, that it was only the public juſtice of this country that required him to act as he did, without regarding what is ſaid by theſe gentlemen: Mr. Bowes ſtates his marriage in October 1777, he ſays he found out ſoon after his marriage that Lady Strathmore had conveyed away her eſtates to truſtees, for her own ſeparate uſe, this certainly does not place that Lady (I am ſure I ſpeak every thing of her with reluctance) in a very honourable light before the Court, but that is nothing to what is about to be ſtated.

Mr. Juſtice Ashurst. The Court muſt deſire that you will abſtain from going into any evidence but ſuch as is relevant to this now before the Court—this paſſed ten years ago.

Mr. Erskine. I apprehend this will be material, whatever the Court are diſpoſed to do with this I am perfectly ſatisfied, but I cannot ſubmit that the rigor of any impriſonment ſhould be increaſed and aggravated by any reflection in Mr Bowes's own mind, that he has failed through me; this bears on the judgment you are to give this day, it is to ſhew your Lordſhips the ſituation of this Lady, and the circumſtances under which ſhe ſtood at the time he did this act, for which he is called to receive judgment; it is to ſhew in anſwer to that cruelty which is imputed to him, the various acts of tenderneſs of which his whole life has been compoſed, ſince his marriage, and the particular reaſons why he was bound in honor and in compaſſion to her, to do the act which he has done: Mr. Juſtice Buller recollects, that when I propoſed ſome evidence of this ſort at the trial, it was at firſt over-ruled, afterwards the judge was ready to receive it, but I then ſaid that I was conſcious if it was then produced it could not alter the verdict.

Mr. Juſtice Buller. No, that was more confined than this you talk of now, that evidence was at the moment he took her away; not ten years paſt.

Mr. Erskine. Is not it neceſſary to ſhew the ſituation of this Lady? You certainly will take the whole of this gentleman's motives, they might depend on all theſe circumſtances which I ſtate, and certainly if they do not tend to mitigate, you will not give a mitigating ſentence.

Mr. Juſtice Grose. You are opening certain tranſactions by Lady Strathmore, how does that tend to mitigate the puniſhment Mr. Bowes is going to receive for conſpiring to get her to drop the divorce? For the thing you are opening would ſeem to make it rather a deſirable thing, provided the circumſtances warranted him in ſo doing.

Mr. Erskine. He is charged with cruelty towards this lady, I think any thing that ſhews nine years of tenderneſs, of forgiveneſs, of forbearance towards this Lady operates ſtrongly to ſhew that is not true.

Mr. Juſtice Ashurst. We cannot receive it—Your own judgment muſt have told you ſo.

Mr. Mingay. How is Lady Strathmore or we to anſwer her life and converſation for ſo many years paſt.

Mr. Chambre. The evidence now offered before the Court, is to lay before the Court the ſituation of this Lady up to the time of this buſineſs.

Mr. Juſtice Grose. How does that mitigate the enormity of this crime?

Mr.

Mr. CHAMBRE. To ſhew the abſolute neceſſity he was under of ſecuring her in ſome way or other.

Mr. Juſtice GROSE. What to prevent a divorce?

Mr. Juſtice ASHURST. It is neither more nor leſs than abuſing the ſituation he is in, and taking an opportunity of publiſhing a groſs libel.

Mr. LAW. When read it will form a very conſiderable degree of aggravation.

Mr. MINGAY. Suppoſe a man is brought up for a common aſſault a month ago, are you to give a hiſtory of the proſecutor's conduct, how many times he was convicted of robberies and other things?

Mr. Juſtice BULLER. The Court are of opinion not to receive it.

Mr. MINGAY. It is calumny added to injuſtice.

Mr. GARROW. It will not be permitted to us to go into Mr. Bowes's character for ten years.

Mr. Juſtice GROSE. I would rather the Counſel for Mr. Bowes ſhould take upon themſelves to ſay and act accordingly.

Mr. ERSKINE. I have done my duty.

Mr. Juſtice BULLER. I am of opinion now that that rule which I laid down when I corrected what I ſaid at firſt was a true one, that you may be permitted to read affidavits of any thing that paſſed as to the immediate cauſe of taking her.

Mr. ERSKINE. Mr. Bowes conſiders this as one of the immediate cauſes, is not a huſband bound to protect his wife, and if ſhe is not capable of governing and protecting herſelf, is he to ſuffer her to be in the hands of conſpirators and ſervants?

Mr. Juſtice GROSE. But you ſhould confine yourſelf to theſe facts that were the immediate cauſes of his conſpiring.

Mr. ERSKINE. They are ſo coupled and blended together, that I cannot ſtate a part of the circumſtances that led Mr. Bowes to do this, without ſtating the whole together.

Mr. Juſtice BULLER. The conſequence of that is, that no part of your affidavit can be read.

Mr. GARROW. This would have been proper at the trial, it is improper here.

Mr. Juſtice GROSE. It would have been improper every where.

Mr. GARROW. The Jury certainly have found all theſe motives.

Mr. ERSKINE. It is perfectly conſiſtent with the verdict of the Jury.

Mr. J. ASHURST. The Court put off the bringing up Mr. Bowes in order that you might read the affidavits and weed them of any matter improper, and if you have not made uſe of that diſcretion, or if your client has not permitted you to do it, they cannot be read.

Mr. ERSKINE. I have now diſcharged part of my duty to Mr. Bowes, and he will ſee that it is the Court that have prevented my concluding that duty, I therefore now confine myſelf to that matter which certainly you muſt think immediately applies to the ſubject, and was the immediate cauſe; the firſt fact ſtated on the affidavit was this deed which ſhe had before her marriage made in truſt for her own ſeparate uſe; ſhe made afterwards another deed, which had for its object the deſtruction of that; there was a counter-part of this deed kept ſecretly, by a perſon of the name of Walker, and there was a conſpiracy between a perſon of the name of George Walker, Mary Morgan, and one Suſannah Church, to cauſe Lady Strathmore to elope from her huſband, with whom ſhe was living, at that time, in perfect harmony and peace; they carried her to the houſe of one Mr. Shuter, who, as I underſtand, is a barriſter at law, where ſhe went under the name of Mrs. Jefferies, this was done immediately after the proceedings of the Court of Chancery, to gratify Lady Strathmore; yet, notwithſtanding the harmony in which they were living at that time, on a ſudden, but entirely owing to them, as it is ſtated by Suſannah Church herſelf; ſhe was carried to Mr. Shuter's houſe, and it was agreed among themſelves that Mrs. Morgan ſhould be the manager of her affairs, that all her eſtates were ſecured by the counter-part of this deed, and that ſhe was rid of Mr. Bowes for ever; Mr. Bowes found Lady Strathmore was expoſed to moſt cruel hardſhips by thoſe people, that kept her as if ſhe had been a lunatic, that ſhe was ſo confined that ſhe

was

was hardly allowed to go from one room to another, and thoſe facts do not ſtand alone upon the affidavit of Mr. Bowes, but Suſannah Church, one of the perſons entruſted to carry this conſpiracy into effect, comes before you on an affidavit, and ſtates the whole of it; now I ſubmit whether, under theſe circumſtances, Mr. Bowes has not ſomething to offer in mitigation of his puniſhment for taking her into his poſſeſſion, for taking her into his own hands; he tells us if ſhe had been under the protection of her own relations, if ſhe had been viſited and protected by them, he never would have interfered to ſtop that free agency, which ſhe had in bringing this divorce before the Commons; but he ſwears that the ſuits in the Commons were carrying on againſt him by conſpiracy, to ruin the peace of Lady Strathmore and himſelf; under theſe circumſtances, is it to be wondered at that Mr. Bowes ſhould want to get her back, and that, coupled by theſe circumſtances, which, as they are now concealed from the eye of the Court, I ſhall not endeavour to introduce, that he did endeavour to reſcue her from that injury and miſery, and that that was the original cauſe of endeavouring to take away Lady Strathmore. The evidence is reported by the learned judge in his detail of the various artifices and ſtratagems by which it was carried into effect, but you will look at the motives, and will not think it very material the manner in which it was carried into execution, except that part of it which has already fallen under the animadverſion of the Court. Mr. Bowes ſwears that he never threatened Lady Strathmore, as ſtated by ſome of the witneſſes on the trial—that he never treated her with any indecency or violence—that the great object he had was to conciliate her affections; if he had meant to impriſon her he would have carried her beyond the ſeas, out of the reach of the Court, inſtead of that he carried her to the caſtle of her anceſtors, where he had no authority, amongſt her relations and friends, and where ſhe had every opportunity of redreſs; his only motive for ſeeking to have her in his poſſeſſion was to have an opportunity of beating down that conſpiracy againſt him, and of reconciling her by gentleneſs and tenderneſs, which it will appear, by the affidavits, he uſed: I have affidavits which it will be neceſſary to ſhew to the Court, in which it will appear, that ſhe behaved with good humour, and that ſhe was reciprocally ſatisfied; if that appears, it places Mr. Bowes in a different ſituation from that which he ſtands in on the trial, and if I had given it in evidence on the trial, the Court has ſaid, it would not have altered the verdict; there is one part of the evidence very material to attend to, that is the part which Mr. Bowes took in thoſe acts which Mr. Lucas ſtands charged with before the Court; becauſe, if you, on the whole of the caſe, ſhould be of opinion that Mr. Bowes, finding his wife was under the dominion of perſons who ſought to keep up this diſunion; if he believed he could defeat that conſpiracy; if he believed he would have an opportunity of living with her on the ſame terms he originally had, it will alter the puniſhment, provided he does not appear to have acted corruptly and unwarrantably in the manner in which he acted. With reſpect to the oath taken before the Juſtice of the Peace, Mr. Bowes gives this account, in which he is confirmed by Lucas himſelf, and a perſon of the name of Dove—he denies that he ever did inſtigate any perſon to take a falſe oath, and had no knowledge that any ſuch warrant had been iſſued or applied for, till the evening of the 9th of November, when Lucas informed him that John Cummins had been threatened to be murdered, and got a warrant againſt them. Mr. Bowes blames Lucas, Lucas aſſures him he had done nothing but what was legal and proper; he had no notion that Cummins was not threatened; and Dove ſwears he was preſent, and Lucas ſays the application to Walker for the warrant, and the obtaining of the warrant, was without any knowledge of Mr. Bowes, who, to the beſt of his recollection, expreſſed his diſapprobation of it; and it certainly is extremely material, if Mr. Bowes can reſcue himſelf from that part of the tranſaction, then his offence will be reduced to having taken away Lady Strathmore in a manner which the law could not warrant; for, to be ſure, though a huſband is entitled to the poſſeſſion of his wife, he muſt not do it in a manner that is illegal; but there is a vaſt deal of difference between ſtratagem and fraud, and acting contrary to the law. Now with reſpect to Lucas ſomething is to be ſaid in mitigation of his puniſhment; Mr. Bowes, who ſeems to have had a very generous and proper anxiety to ſpeak the whole truth, even againſt himſelf, where it tends to hurt others, ſays, and Lucas ſays the ſame, that Mr. Bowes told him that Lady Strathmore had carried off a great quantity of diamonds, and he deſired Lucas to get poſſeſſion of Lady Strathmore, in order to recover them. Mr. Bowes is ready to take upon himſelf any conſequence that ſhall

follow from that, Lucas then being entirely ignorant of the real deſign of Mr. Bowes, and fancying he was about to take her into cuſtody for recovering theſe diamonds, and ſwearing that he did not know he was carrying off Lady Strathmore for the reaſon Mr. Bowes communicated to him—he ſays that Cummins informed him he had been ſo threatened by the ſervants of Lady Strathmore, that they ſaid they would murder him, that he did adviſe Cummins to take out this warrant, but did not adviſe him to take a falſe oath; ſo far in mitigation of the conduct of Lucas; but, as it affects Mr. Bowes, ſurely it is extremely material for him, confirmed by Lucas himſelf, who diſcloſes this, that it was merely the act of Lucas taking this perſon into cuſtody on the information of Cummins, that Mr. Bowes had no hand in it, that he diſapproved of it afterwards, and in ſhort that it is chargeable upon him. With reſpect to Peacock, I have an affidavit from him alſo—he appears to be a gentleman, in long intimacy with Mr. Bowes, reſiding at Newcaſtle; a man, I underſtand, who has preſerved a pretty good character, and he poſitively ſwears, that till the time they were in the coach, for the purpoſe of taking Lady Strathmore, Mr. Bowes never told him the reaſon; that he attended Mr. Bowes to give him pecuniary aſſiſtance, and he withdraws himſelf from every act, except that one of going with Lady Strathmore; he ſtands merely before the Court, as a perſon who unfortunately was preſent in his coach, not having it communicated to him till the very moment it was carried into execution; it appears by Peacock's affidavit, that he was not preſent at the time Lady Strathmore was taken, and that he did not ſhove her into the coach. My Lords, I have now ſtated all that I recollect, concerning Mr. Bowes, and Bourn, who was in his ſervice; Peacock, and Prevot the ſervant; Chapman, Pigg and Bickley, are not before the Court, and Mr. Thomas Bowes, they do not, at preſent, preſs ſentence againſt; under all theſe circumſtances I hope, from hearing the affidavits you will be diſpoſed to think Mr. Bowes is not ſo criminal as he appears on the report of the learned Judge. I have already explained why this matter did not appear at the trial—if, on the whole, you ſhould think Mr. Bowes found that there was a conſpiracy againſt him to withdraw Lady Strathmore without any crime—that ſhe was, in fact, not a free agent, but under the dominion of others—that he conceived he could defeat theſe effects, and make her live in happineſs and comfort; and that ſtanding in ſuch a relation as he did, he certainly could not conſpire againſt his intereſt, I truſt the puniſhment will not be of that ſort which you would be diſpoſed to inflict, if theſe affidavits were not offered to the conſideration of the Court. It is further remarkable, that during the time that this lady lived ſeparate from her huſband, ſhe was living with thoſe whom Mr. Bowes ſuppoſed were making a prey of her, for that ſurely is material, and the difficulty I feel is how to mention one without bringing the other before the Court.

Mr. J. Ashurst. As to any part of Mr. Bowes's affidavit we cannot ſuffer it to be read—we cannot read any of it without fileing it in Court—ſuch a piece of ſlander ought not to remain on the files of this Court; he might have had an opportunity—his Counſel muſt know the Court could not receive it—if he will take this opportunity of conveying that ſcandal and impertinence to the world, he deſerves not to have his affidavit read.

Mr. Erskine. He is placed in a hard ſituation, becauſe all that I ſay goes for nothing, if theſe affidavits are to be drawn from under me.

Mr. J. Ashurst. Then you have drawn them from under yourſelf, or your client has withdrawn them from you, and you muſt thank yourſelf, if he will be ſo obſtinate as not to be adviſed, he muſt take the conſequences.

Mr Fielding. I conceived this, that if the puniſhment of theſe things was preſcribed by act of Parliament, that then it would not have been neceſſary to have ſet before the Court the motives; but when you are to adminiſter diſcretionary puniſhment, I conceived you would have enquired into all the circumſtances of the caſe; it was upon that idea I own, that I concurred in theſe affidavits being preſented to the Court.

Mr. Mingay. I have no objection to take it for granted, that every thing that is ſworn, the Court ought to receive as ſworn, and that it is as Mr. Erſkine has mentioned.

Mr. J. Buller. You are acceding to every thing that they wiſh, but it cannot be ſuffered to remain on the files of the Court, ſuch affidavits as theſe.

Mr. Mingay. I have no doubt but he has ſworn all theſe things, and in my opinion they aggravate his crime.

Mr.

Mr. Erskine. I will put in theſe affidavits of Peacock's that I mentioned—in the mean time, Mr. Bowes may in ten words ſay what I conceive may be material for him in this caſe. (*The ſeveral affidavits were then read.*)

Mr. Chambre. On the part of Bourn, Peacock, and Prevot, as the ſeveral grounds of mitigation, have been ſo fully ſtated to the Court by Mr. Erſkine, it renders it unneceſſary I ſhould take up much of the time of the Court, and I ſhall begin with the circumſtances of Mr. Bourn's caſe; and whether I look at the affidavits produced by him in mitigation of the ſentence now about to be paſſed, or whether I look at the evidence, I find myſelf much at a loſs to account for the verdict of the Jury againſt him—moſt undoubtedly I muſt conſider that verdict as properly founded; but if it appears to the Court under all the circumſtances of the caſe, that the verdict is a very hard one—I may ſay an improper one—the Court will let his ſentence be as mild as poſſible. I take it to be clear, that no man ought to be convicted of any offence but upon evidence applicable to that ſpecific offence, and I do not find any evidence that Bourn was privy to, or had any connection with this proceeding; with reſpect to the only material circumſtance that happened in the country previous to that circumſtance, it conſiſted merely of the ſham fall and the falſe report that was given out to the public, with reſpect to the injury received; the evidence which was laid before you as far as it went, certainly tended to prove that Bourn was not appriſed of it; Mr. Hobſon, the principal witneſs who ſpoke to the fact ſaid, he himſelf, to whom it was communicated, was deceived—Mr. Thomas Bowes was deceived, and he believed Bourn was deceived with reſpect to that tranſaction; that act in itſelf was not a criminal act, and not being a criminal act, there is no reaſon why the Court ſhould apply any part of Bourn's conduct in that tranſaction, to the tranſaction which is the ſubject of this information. The only oſtenſible motive of Mr. Bowes was a wiſh to be concealed, particularly from his creditors; it is not proved, either directly, or by any circumſtance, that Bourn knew one tittle beyond that in which it was not in Bourn's ſituation to control his maſter at that time; and it will hardly be expected of him to diſſuade his maſter from that act; it ſeems to be juſt as abſurd, as to ſuppoſe that if a man that committed a robbery in one county, that it is probable that he has committed murder in another; it is in expreſs terms denied by Bourn, and he is confirmed by Mr. Bowes, that he was not privy to his intention at that time; after the return of Mr. Bowes, it does not appear in evidence that Bourn knew there was any reſtraint on the perſon of Lady Strathmore—it does not appear that in his hearing, or to his knowledge, ſhe expreſſed the ſmalleſt diſapprobation on her part—he was going on other buſineſs, and had no privity at all with the matter; with reſpect to the ſubject on which he is ſuppoſed to give intelligence of what paſſed at Darlington, and that he took an active part in aſſiſting Mr. Bowes to make his eſcape—he ſwears he did not go on any ſuch purpoſe, that his buſineſs was the proper buſineſs of his office, which he held under Mr. Bowes; that he had been collecting rents, and met Mr. Bowes merely by accident, when Mr. Bowes required of him the uſe of his horſe—certainly it is that in this particular caſe with reſpect to Mr. Bourn, nothing is imputable to him with reſpect to the peculiar manner in which the conſpiracy was carried into execution—Mr. Bourn was, for any thing that appears in evidence, and by his own affidavit, which is ſtill more, certainly not at all appriſed of any intention that an improper uſe would be made of any legal proceſs—certainly he was not privy to any acts of cruelty and violence againſt Lady Strathmore, if any ſuch were in truth committed—thus he ſtands as innocent as any man now in court; the caſe therefore being thus circumſtanced with reſpect to him, there being no poſitive evidence of any impropriety even in the county of Durham, the Court will conſider him guilty of a very light offence indeed.—The caſe of Prevot certainly ſeems to be intitled to a great deal of the compaſſion of the Court—Prevot is not affected by any particular circumſtance of conſpiracy, only that he attended them on the journey in his character as ſervant, and was not privy to any one act of violence—he attended his maſter's carriage, which he conceived at that time to be his duty to do—this man is a foreigner, a ſtranger to the cuſtoms and laws of this country, he naturally conceived he was not liable to any puniſhment whatever in attending his maſter; he could not conceive he had any right, power, or authority whatever to control the acts of his maſter, and no acts of violence are ſaid to be proved to affect this perſon, and in the caſe of Peacock his defence riſes more from his own affidavit, and from the affidavit which Mr. Bowes has made on his behalf, than from the evidence in this cauſe; the evidence in this cauſe takes up Peacock at an earlier

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part of this tranſaction, and there were certain circumſtances proper to be laid before a Jury, and to be taken by them into conſideration, and they have thought proper to convict him, and Peacock expreſsly ſwears, and is confirmed in that, that he was not privy to the intention of Mr. Bowes, till the very morning of this tranſaction—he was apprized of Mr. Bowes's wiſh to remain concealed from his creditors, he was a perſon with whom Mr. Bowes had long been in habits of intimacy and friendſhip, they had lived much together, Peacock was uſeful to him in his affairs, he was privy to moſt of them, he ſwears, and he is confirmed by Mr. Bowes, that the only motive to ſecret him was the apprehenſion of an arreſt from his creditors, in conſequence of his ſituation; this is expreſsly ſworn to by Peacock, till the very morning when that tranſaction happened; and he accompanied him no further than the town of Stamford: againſt him therefore there is no evidence of privity, or acts of violence, he diſclaims any knowledge of ſuch, any belief of ſuch; on the contrary, he had great reaſon to believe that Mr. Bowes's motive was to effect a reconciliation, and that he had every reaſon to believe that the ſcheme of Mr. Bowes, if it had taken effect, would have worked a reconciliation, for ſo far from perceiving any diſinclination, he perceived expreſſions of fondneſs and endearment, and was fully convinced that Mr. Bowes's previous information had been well founded, and that if by means of the communication he had been able to get Lady Strathmore into his poſſeſſion, ſhe ſhould be reconciled, and all differences would be at an end: This is the ſtate of the caſe with reſpect to Peacock, which ought certainly to diminiſh his puniſhment; with reſpect to Mr. Bowes, whatever motives of delicacy or diſcretion might have diſpoſed him to forbear going into all the circumſtances of Lady Strathmore's ſituation, I certainly had conceived it was competent to him to ſhew by any circumſtance that could apply to the fact—what his motives were, for moſt undoubtedly the motives that induce any man to act in a caſe where there is no puniſhment affixed by the law, muſt have great weight when they are going to paſs that puniſhment; but the Court has decided otherwiſe, and though that deciſion has certainly cut off a very conſiderable part of the evidence on the part of Mr. Bowes, I truſt that ſufficient remains to ſhew that Mr. Bowes was not actuated by thoſe motives imputed to him on the part of the proſecution; but though he has acted indiſcreetly, though he has acted wrong, though he has acted in violation of the law, yet he has ſo done under ſuch motives as will furniſh a very material ground of mitigation; it appears that Mr. Bowes had information from his own oath, and from the oath of Suſannah Church, that Lady Strathmore after her elopement was under a degree of reſtraint for a month, or a greater ſpace of time, that ſhe was conſtantly in tears, expreſſing her unhappineſs, and under a very conſiderable degree of reſtraint and control; that was a circumſtance that would have juſtified a huſband in enquiring into it, it would not juſtify him in taking thoſe methods of obtaining ſatisfaction which he has unfortunately purſued; but had he purſued other modes which might have been preſcribed, it certainly would have been a juſtification; the information was ſuch as could not deceive him, it was the information of thoſe that lived under the ſame roof, and ſaw what was paſſing; beſides that, the matter ſtated in the affidavit, and which I am ſure it is not in my wiſh to repeat, was certainly ſuch as would have juſtified a huſband in taking his wife into his cuſtody, and to have impoſed upon her a very conſiderable degree of reſtraint; there are caſes which would have warranted that, not that he would have been warranted in taking any meaſure to have ſtopped the ſuit, but independent of that circumſtance, he would have been well juſtified in taking her, and taking her againſt her will, into his poſſeſſion, and keeping her under a very conſiderable degree of reſtraint: Mr. Bowes has very fully explained his motive, he has ſworn that thoſe motives induced him to purſue that conduct which he has unfortunately purſued; and with reſpect to every circumſtance of cruelty it is expreſsly denied, and it is proved by ſeveral of the affidavits that have been read, that there certainly was on a great variety of occaſions, every appearance of reconciliation: with reſpect to that which conſtituted a conſiderable part of his crime, if it had been left unexplained, I mean the circumſtance of obtaining a warrant, I conceive Mr. Bowes is fully exculpated from that, for it is expreſsly ſworn by him, and denied by a perſon preſent, and by the very perſon who committed that tranſaction, that denial is accompanied with circumſtances of diſapprobation; and it was not till after ſtrong aſſurances that the complaint was founded in truth, that Mr. Bowes conſented to the improper uſe of it; the uſe was certainly improper, but the knowledge of it

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is expreſsly denied; if Mr. Bowes had meant to have impoſed a perpetual reſtraint on the perſon of Lady Strathmore, nothing was ſo obvious as to have carried her out of the kingdom; it was extremely eaſy to effectuate that purpoſe; but it does not appear that he had that purpoſe in view, if that had been his object he moſt undoubtedly never would have carried her to her own eſtate, in the midſt of her fortune, in the midſt of perſons dependent on her and her family, and who had been in the habits of attention and reſpect to that family and herſelf; but he did carry her there, and ſhe appeared on ſeveral occaſions publickly there, and he ſwears poſitively that if he found himſelf unable to prevail upon her to conſent to live with him by fair means, it was his intention to reſtore her to the cuſtody of thoſe friends whom ſhe choſe, yet he ſwears that was his determined reſolution, if by fair means he could not prevail upon her to live with him, but that was his determined reſolution, if he poſſibly could: My Lords, under theſe circumſtances I hope many of the moſt material parts that compoſe the aggravation are entirely done away, Mr. Bowes has been raſh, unfortunate in thoſe means which appeared to him to be laudable, and which have ſubjected him to the cenſure of this Court, that cenſure he himſelf ſubmits to, and I truſt that that judgment which unexplained might have been very ſevere, will be extenuated to a very conſiderable degree.

Mr. Fielding. My Lords, although I am on the ſame ſide, I hope I ſhall be forgiven for taking up a ſhort portion of your Lordſhip's time, the ſubject on which I have to addreſs you has certainly been ſufficiently exhauſted, and every thing ſaid upon it that the ingenuity of the gentlemen could ſuggeſt: My Lords, I am ſure your Lordſhips will all think of the ſituation of thoſe defendants with undiſturbed temper, and indeed from the particular turn this cauſe has taken to which I bow, that the affidavits ſhould not be read in the manner they were intended to be read, I am the more inclined to conſider this caſe as a public crime (if indeed it is capable of that deciſive idea) it may be taken up as a crime, which it imports you to puniſh as an offence againſt the publick; if it is to be conſidered with any relation to thoſe that are ſuffering under it, then it ſeems that circumſtance of the affidavit, explaining the motive, would be more material than the circumſtances are in a public crime demanding a public puniſhment according to the injury the public might experience; if that is the way in which it is to be conſidered, and it ſeems to me to be the proper way, it would not make that queſtion very material, whether the Counſel for the defendants were to be heard firſt, or the gentlemen on the other ſide; if that were not the caſe, it certainly would have been extremely cruel on the preſent occaſion, for if after precluding Mr. Bowes from all poſſible circumſtances of extenuation, it was open to the gentlemen on the other ſide to ſay what their heated imaginations might ſuggeſt, that would ſeem to be moſt unequal; as your Lordſhips determination has gone the whole length, and thereby prevented the defendants from every opportunity of extenuation—certain I am that you will go the whole length alſo to check the ardour of the gentlemen on the other ſide. It certainly is needleſs for me to trouble you any more on the particular ſcore of Mr. Bowes, as the obſervations already mentioned ſeem to ſatisfy all alarm that might have been taken up on that occaſion. My Lords, to the law on the trial which I had the honor of hearing moſt ſatisfactorily laid down by the learned Judge, who tried the cauſe, I bow with moſt abſolute acquieſcence. My Lords, with reſpect to Mr. Bourn, he was taken up after the effect of this conſpiracy had taken place, therefore the evidence to affect him is by retroſpect, which is an extremely different caſe, here the evidence being ſlight in a caſe where the ſtrongeſt would be requiſite, I truſt his caſe with your Lordſhips, and no more need be ſaid upon it. With reſpect to Mr. Bowes, although his friends lament we are cut out of all thoſe circumſtances that we had made up our minds on, yet there ſeems to be ſome circumſtances of conſiderable extenuation indeed; that laſt circumſtance that fell from Mr. Chambre is ſo material, I entreat the particular attention of your Lordſhip, it ſeems to me to do away every poſſible ſuppoſition of his intending to make an improper uſe of the cuſtody of his wife, that is, that he carried her from London to Streatlam-caſtle, where if his behaviour had been of a forcible kind, the probability is, that ſhe would have received ſome ſuccour. I only beg leave to aſſume one thing as ariſing from the affidavits which he has generouſly and honourably produced, that this ſtratagem was all his own from the beginning to the end, and he brought all the other parties into it; if that be the caſe, and there can be no reaſon why you

ſhould ſuſpect it, then the probability will go a conſiderable length in extenuation of the crime. As to that poor wretch, Prevot, my learned friend has ſo perſuaſively entered into his caſe, that I truſt the Court will not puniſh him, who merely acted under the orders of his maſter, and followed his ſteps. With reſpect to Peacock, the circumſtances mentioned by Mr. Chambre ſeem to advert to thoſe diſcloſed on his own affidavit, which bear the marks of the ſtrongeſt probability, if it be true that Mr. Bowes did not communicate this to any body, why is he ſuppoſed to be privy to it? and there was another circumſtance fell from the other ſide, as to the diſguiſe in which he came to town, and as to the character he aſſumed, why he aſſumed it, as he diſcloſes in his affidavit for very different purpoſes, it certainly will not involve Peacock in any haſty preſumption that he was privy to to any deſign of carrying off Lady Strathmore; I confeſs, if I am right in my idea, that I ſhould conſider alone the public inconvenience ſuſtained by this offence, and that it does not otherwiſe become very material, and if it is hardly poſſible for you to ſhut your eyes altogether againſt the parties before the Court, yet in what manner can it be allowed to the Gentlemen on the other ſide, to aſſume for their client the moſt unſhaken virtue? Will that be allowed to the Gentlemen, while they run contrary to their own ſentiments, while they ſet up a character as unſpotted before your Lordſhips, when they think the truth is againſt them? The obſervations Mr. Erſkine made on the caſe, ſeem to me moſt peculiarly, indeed, to command your Lordſhip's attention; what is the duty of a huſband? If a huſband is involved by means of a wife (I am putting it hypothetically) does it not become the duty of him to ſeek to recover her from thoſe means? But the preſent circumſtances of the caſe cut me off from ſuppoſing any thing but what the caſe really was, and Mr. Bowes, who was embracing extreme miſery, either by the connivance of thoſe perſons about his wife, who had encouraged her to elope, and then were encouraging her to try to rob him of his property, had certainly a right to take care of his wife; but if you had looked a little into the caſe, you would have ſeen that the conduct of Mr. Bowes would not have led to any ſuſpicion on the part of Lady Strathmore. My Lords, I find that I am not capable of viewing the caſe with that undiſturbed temper of mind that your Lordſhips poſſeſs, and I am ſure in the exerciſe of the moſt painful part of your duty, your Lordſhips will regard that which I am ſure you will always feel as the higheſt part of a Judge's character, an inclination to mercy; I am therefore ſure your Lordſhips will attend to all the circumſtances that have been urged on the part of theſe defendants. My Lords, I am now come to that in which I feel a conſiderable difficulty, namely, in offering to your Lordſhips an apology for the conduct of Lucas; and, my Lords, I here recur again to the confeſſion of Mr. Bowes, which under the particular circumſtances he ſtands, I am ſure the Court will look at with a degree of approbation, the manly and honorable confeſſion of Mr. Bowes! that it was all his; and although Lucas ſurely is to be conſidered as one of thoſe parties, which Mr. Juſtice Buller ſaid, when his report was read, it is certainly a matter which no man can ſhut his eyes againſt, it is impoſſible to do it away, and yet there are circumſtances that will impreſs themſelves; true it is, that Lucas ſtood in the ſituation of a peace officer, and that he might regularly expect obedience from every body; but when you conſider that Mr. Bowes has ſworn that he engaged Lucas at firſt to get the cuſtody of his wife, not informing him of the whole tranſaction, and that he therefore in order to carry on this deſign with a certain degree of turpitude annexed to it, but not that degree imputed by the information, he then entered into the deſign, determined that every ſtratagem of Mr. Bowes to get the cuſtody of his wife ſhould take effect, and in order to do that, he perhaps, in concert with Cummins, hit upon this ſcheme—that was the probability of it. Now, my Lords, will that be called perjury?—Is there not ſomething in the human mind revolting at the idea of aſſigning perjury to a caſe like this?—There was a falſehood about the oath, but what was the purport? [*here a loud laugh*] My learned friends, I ſee, are a good deal aſtoniſhed at the diſtinction, which I ſhould hardly have taken on another occaſion, but was obliged to take it on this—Is every falſe oath a perjury?—certainly not—Is there a turpitude to every falſe oath? Yes. Why is not every falſe oath perjury?—I anſwer, the law is a ſyſtem of wiſdom, there may be many kinds of falſe oaths that are not perjury. Perjury is when it is committed to the injury of a man, and then it is capable of degrees of aggravation, but every perjury ought to be looked at in that point of view—the queſtion is, with what view was it committed?

committed? Here it is of the moſt inſignificant kind poſſible, merely to get the footman and the coachman away from the parties, in order to make their ſcheme ſucceſsful. Is there any thing in this caſe that makes one ſhudder?—becauſe perjury makes an honeſt man ſhudder; but, I confeſs, I do not think there is that about this caſe which aggravates it ſo extremely. If, then, the whole deſign was to put Lady Strathmore into the cuſtody of Mr. Bowes, will you make Lucas, the conſtable, anſwer for any of the ſubſequent conduct of Mr. Bowes? Certainly not:—his crime certainly ceaſes when ſhe was taken. Therefore, this caſe, which at firſt ſight ſtartled me as ſubornation of perjury, I confeſs, on a little conſideration, requires more ingenuity than I have in poſſeſſion to make it out. My Lords, I have nothing more to ſay;—the Gentlemen on the other ſide are to anſwer the affidavits, and to make obſervations upon them. For myſelf, I think I may, on the preſent occaſion, appeal to their humanity and candour, which, it ſeems to me, are more concerned on theſe occaſions than any profeſſional ingenuity whatever.

MR. MINGAY, IN REPLY.

MY LORDS,

MY learned friend miſtook very much both my intention and notion of my ſituation, if he ſuppoſes that I am capable of urging an argument, in a caſe like this, which requires nothing but the bare ſtate of it; and I ſhould have thought, that before he invoked you to check our ardour, he ſhould at leaſt have controuled his own: he ſhould not have betrayed himſelf into hypothetical abuſes of Lady Strathmore's virtue and character, nor have attempted to have diſtinguiſhed, in this caſe at leaſt, between perjury and falſe ſwearing: I certainly have no objection to take upon me that character, that Mr. Erſkine ſuppoſes to be the only one that belonged to me, I mean, as counſel for the publick, for in that character alone I ſhall addreſs myſelf to you; I ſhall addreſs myſelf to you as placed there to protect that publick, whenever ſuch perſons as theſe defendants dare to violate the laws. The conduct of this proſecution on the behalf of Lady Strathmore has certainly wore a face, through the whole, that cannot prejudice it. I did not offer her as a witneſs on the trial to violate the feelings of mankind with a narration of thoſe dreadful facts, which ſhe alone is able to ſet forth; and, therefore, any attack of Mr. Bowes, by inſinuation or by evidence, is mean and unmanly; the circumſtances he has attempted to introduce have nothing to do with the caſe in iſſue before your Lordſhips, and if he previouſly knew that, it ſtamps him as the loweſt of men: the evidence he has propoſed I had no diſpoſition to keep back from your Lordſhips' eye; but as counſel for the public (in which character Mr. Erſkine has thought proper to place me) how would it appear to perſons, who by and by ſearch theſe rolls, to ſee them ſo diſgraced? and the attempt to do it, is ſufficient to ſhew that the object of Mr. Bowes was to criminate Lady Strathmore; when ſhe, except only as to her perſonal injury, has not lifted up her voice againſt him. Have I produced any affidavit at all on the part of Lady Strathmore? or on the part of the proſecution?— Certainly not; and, before I make obſervations on thoſe that have been produced, I think it incumbent on me to controvert thoſe general arguments that my learned friends have uſed. There are many perſons, of all deſcriptions, that have their eyes and ears on your Lordſhips;—are they to go forth and declare to the world, becauſe a man is a ſervant to a gentleman, he is to aid him in the perſecution of a third perſon? and with reſpect to Bourn and Provot, that objection goes to them. Why, my Lords, if ſo, the man that keeps the moſt ſervants would be the greateſt tyrant. I cloſe the argument by ſaying, that ſervants ought to be taught by your Lordſhips, that, in breaking the laws of their country, whoever teaches them to break thoſe laws, it is certainly penal. But with reſpect to the duties of a huſband, I am ſure one of my learned friends cannot ſpeak from his heart—he who adorns that ſtation, as he does every other in which he moves Why, my Lords, what were the ſituations of thoſe parties?—Mr. Bowes, pretending there was a conſpiracy againſt him,—and that, for the protection of this lady, for the honour of himſelf, and the children, and for the honour of the family, he is to take her, as he has done, and drag her about the country, as if ſhe was the baſeſt wretch alive! How the Gentlemen can reconcile the evidence on the trial with the duties of a huſband, ſeems to me to be a paradox! My learned friends have ſaid, too, that it became neceſſary for Mr. Bowes to take the ſteps he did. Now, only conſider for a mo-

a moment—What was the ſituation of Lady Strathmore at the time?—There was a ſuit, which abſolutely had been inſtituted:—If Mr. Bowes had thoſe complaints to make, if he had not treated her in the manner which ſhe charged him with in the Commons, if he was not that adulterer that ſhe charged him with being,—could he not have gone into that court, and tried it in that competent juriſdiction? It is in evidence that he has appealed twice: Has he offered evidence---has he attempted to go there and try the cauſe as between him and Lady Strathmore? Certainly not: he knew it would be impoſſible for him to eſcape. I have a right to ſay, this verdict finds what his motive was; and if you were to adopt the arguments of my learned friends, you would be converting yourſelf into a jury to try this cauſe over again.—Mr. Bowes has brought himſelf into the hardſhip; and thoſe who have connected themſelves with him, I may ſay, that as they were loving in their lives, I hope in their deaths they will not be divided. If men will join with perſons, and truſt them, if their lives had been at ſtake, they muſt have been forfeited. Suppoſe Lady Strathmore had been murdered in the heat of this violence,---how would the people concerned have been able to eſcape? What, by ſaying, I am a ſervant, and my maſter bid me do it! My Lords, I do hope ſervants will be taught better to-day; and, with reſpect to the affidavits that have been read before your Lordſhips, they go this length. My Lords, I am counſel on the part of a proſecution, where the perſons ſtands convicted of a conſpiracy, and they every one of them ſwear they did not know what they were doing: if you were to hear theſe affidavits, why, they are laughing at your Lordſhips; and the ſpectators muſt go out of court, and hold your underſtandings in contempt----to a degree beyond that in which now every perſon holds them in admiration. Did not Peacock know that he changed his name, and that Bowes wore a great wig, and was watching and dogging particularly the houſe of Lady Strathmore? and that Lucas ſhould have the audacity to ſwear here, that he ſuppoſed it was becauſe Lady Strathmore had run away with diamonds! I am ſatisfied you will be of opinion, that in ſwearing that he is as groſsly perjured as Chapman was. Lucas was alſo the ſervant of Lady Strathmore, and her protector; in that character Mr. Bowes laid hold of him as a fit perſon to attend her.—How are theſe diamonds to be found? The conſtable knew that a ſearch-warrant was a much better thing: how abſurd and farcical it is. Did Lucas take her to find the diamonds in Caen-Wood? Did he take her, expecting to find them at the Bell, at Stilton? How abſurd it is for a man to dare to ſwear thoſe were his motives, when every tittle in the caſe controverts them, and gives them the lie? That he ſhould inſinuate to you, that Lucas entered on ſuch motives as theſe, muſt convince you he means to inſinuate that which it is impoſſible he can think you to believe, unleſs he were an ideot. If ten men were convicted of breaking into a houſe, they will every man ſwear one for the other; and ſo will every other ſet of criminals. Why, look at the circumſtances given in evidence, and ſee whether it is not perfectly clear! This is a work of ſuper-erogation; I have a right to take it for granted that the defendants are all guilty, and the beſt right in the world, becauſe the jury have found them ſo; and if you are, after a trial (and ſuch a trial as this too) where, I am ſure, no people were more ably defended by the Gentlemen who were ſeparately concerned; and if the jury found their verdict, after no obſervation on my ſide, for I had no opportunity of replying; and yet Mr. Chambre ſays, if you think he ought not to be convicted, you will extenuate the ſentence. Why, your Lordſhips have no right to think about it. Why, my Lords, if they meant to move for a new trial, why did they not do it? But they have no right to ſay there is no evidence againſt Bourn. As for Mr. Thomas Bowes, I really thought it my duty to commend it to Lady Strathmore not to preſs hard judgment againſt him for the preſent; and ſhe, whom theſe Gentlemen load in this manner with abuſe, I am ſure, I have found her as complying to every thing that appeared reaſonable, in my mind, as any perſon I ever was converſant with in my life. When I was ſtating to her, that it was poſſible Mr. Thomas Bowes might not have known of that ſcheme of being ill, and he ſent an affidavit, which Lady Strathmore ſaw, and ſhe ſaid, I leave it wholly to yourſelf, do it, and welcome. I therefore conſented not to bring him up now. But, my Lords, with reſpect to Bourn, he was acting in every part of this ſcene: Does not he go from place to place? Does not he hear her ſay—take notice I come here againſt my will? But, I think, the driver expreſsly ſwore, that Mr. Bourn came to the door, and that when ſhe went in, ſhe called out, for God's ſake recollect I am come here againſt my will; Bourn ſays again, but I am ſervant to Mr. Bowes;—and ſo he is—

for

for he is an old ſervant to that family, and has ſerved them many, many years, by which his family, to my knowledge, have been greatly benefitted. With reſpect to Prevot, I certainly do not wiſh to point out to you his ſpecifick puniſhment; it is neither decent nor proper to do it: But, as counſel for that publick, which Mr. Erſkine has talked of, I entreat you to do it. Lady Strathmore is the party injured,—the laws of the country are violated— and if you ſend theſe people away, convicted of a crime, unparalleled in my obſervation, for I never heard of any thing like it in this great town. Here is Mr. Peacock, ſelected for the purpoſe of being an acquaintance,—ſelected, perhaps, by his being eight feet high, and his very appearance, ſtrong, boney, and athletick, as a very proper yerſon to wade through ſuch a ſcene as this: but he changes his name to Johnſon:—What for? Why was he to change his name to Johnſon? If Mr. Bowes was afraid of his creditors, he was not. My learned friend ſays, what ſignifies whether Peacock's name was Peacock, or Johnſon. It is evident that Peacock knew that Mr. Bowes was about ſome bad purpoſe. My Lords, why was a poor, harmleſs, defenceleſs woman to be thus conſpired againſt? But Mr. Bowes, in this caſe alſo, has acted like a ruffian; and if your Lordſhips do not deter others, by the ſeverity of their puniſhment, what ſecurity have thoſe perſons, in whoſe deaths their huſbands have an intereſt, from committing that crime? But he had no intereſt in her death;—I am afraid it was nothing elſe that preſerved her life—for he did all but kill her—and then he thruſt ſome gin into her mouth, for the purpoſe of keeping her alive:—Then, why favor theſe perſons who are ſwearing againſt one another, and contradicting the verdict of the jury? They have had great indulgence in prefering thoſe affidavits at all. If I had ſtrictly objected, and had ſtuck cloſe to the rules of law, after conviction of a conſpiracy, I take it to be clear law, they have not a right to come and ſwear they did not commit it?— for if it was ſo, what a farce it would be— you cannot catch them together;— but if they could come after the verdict, and purge themſelves by affidavits, they would, one after another, leave you in the lurch, and leave only one man concerned. Mr. Fielding ſays, Mr. Bowes has generouſly taken the whole upon himſelf. It is utterly impoſſible to ſay any thing for Mr. Bowes—only that he has the character of a huſband alſo—and that aggravates it: Are the powers of a huſband in this country ſuch, that women that are ill-uſed are not to complain?— Are they ſo ſubjected, that ſhe has not as much right to complain as the huſband? My Lords, I aſſert, that Mr. Bowes had no right to have treated Lady Strathmore, in the ſituation ſhe then was, for any purpoſe: She was ſeparate from him—there was a ſuit going on in the Commons—he had no right to take her, even to protect her. If a woman, who is carrying on a ſuit, is got into the power of her huſband again—the law will not permit a woman to be put into that dangerous ſituation, by which it might all be defeated. With reſpect to the other perſons that have made their affidavits, Suſannah Church, Iſabel Dixon, and Mary Gowland (or whatever her name is), I have evidence directly contrary to the affidavit ſhe has made. This woman was at Streatlam Caſtle; in what character, that is not ſtated to your Lordſhips; but, I rather ſuſpect, that if Mr. Bowes had related her ſituation, he would not have induced your Lordſhips to have ſuſpected that he wanted either the comfort or aſſiſtance of Lady Strathmore as a wife! But if he picks up theſe three women, to come and make affidavits of trumpery circumſtances, which can be only for the purpoſe of bewildering your Lordſhips, and particularly two of your Lordſhips that were not at the trial;—if you permit theſe affidavits to be received, they go the length of ſaying, that theſe parties are all innocent—for there is no conſpiring at all; or, at leaſt, they tell you they do not know it. I do not wonder that the learned Gentlemen have attempted to ſhelter Mr. Bowes. As to Lucas, they have given him up: Lucas knew the coachman and footman——he was the heifer with which they plowed, and they knew all the ſecrets of the family; by means of which Lucas came into poſſeſſion of them;—and then, ſays Lucas, if we can poſſibly take theſe two perſons, ſhe will be out of protection:— I will go up ſtairs and take her, and then the matter is all done. With reſpect to Mr. Bowes, why he is waiting to receive theſe very people at Tottenham-Court Road, at the Adam and Eve.— How came he to be placed there, unleſs he knew of all this? There is Bowes ready to receive her. Under theſe circumſtances, can your Lordſhips believe that thoſe perſons did not all of them know of the purpoſe of Mr. Bowes?— that he was endeavouring to take Lady Strathmore by force, and to carry her, for the purpoſe of compelling her to give up that ſuit! The ſtrong confirmation of the caſe is—that

he had no intereſt in her death: What is his object to make her drop the ſuit?—Did not he begin it, at Stilton? Obſerve in what way the jury have found him guilty of theſe circumſtances. Why, it is a paper reſpecting that ſuit. Then again afterwards it is ſaid, there is no evidence of any perſonal ill-uſage of Lady Strathmore. He took care to ill uſe her ſo much in private, he had no occaſion in public;—but it was very proper to know the extent of his ill-uſage. Now, in order to know that, will your Lordſhips take the evidence of Church, Dixon, and Gowland, or the evidence of a Gentleman, who is a ſurgeon, who ſaw her at the moment of her return, at Mr. Farrer's— who tells you ſhe was in a ſtate of great danger, almoſt frozen to death, with various marks of cruelty and bruiſes. Is this the way that Mr. Bowes thinks Engliſh huſbands are to protect their wives? Is this the way to conciliate a Lady's affections? Is this the way they are to conciliate the affections of their families? No man can believe it; and your Lordſhips moſt certainly cannot. However, Mr. Bowes wiſhes you to believe, that his object was merely for the purpoſe of getting Lady Strathmore to be reconciled to him, and to live together as huſband and wife: It is in evidence before your Lordſhips (to ſhew the purpoſe of this infamous ſcheme) that he immediately came back to the Commons, and pleaded, that they had lived together from the 12th of November to the 20th---the days of her miſery and perſecution--the days previous to thoſe in which ſhe appeared to be frozen to death— he pleaded that they had lived for eight days in mutual cohabitation and forgiveneſs! Good God — mutual cohabitation and forgiveneſs!——Cohabitation on the mountains in ſnow! I wonder my learned friend did not check the ardour of Mr. Bowes, inſtead of mine. And how the learned Gentlemen can ſuppoſe their arguments can go down a moment, I cannot deviſe. When ſhe was brought back, at the end of this amazing forgiveneſs, almoſt frozen and beat to death, then Mr. Bowes has the audacity to go to that very Court, where before he did not dare to ſhew his face, and plead this mutual cohabitation and forgiveneſs! Now, ſays he, I can bring Mary Gowland, who has certainly been in the ſame ſtate herſelf with Mr. Bowes—ſhe, indeed, has lived with him in mutual cohabitation— for ſhe had juſt had a child by him:-----Now, ſays he, I can bring her to ſwear we were in bed together. Whether, when that poor woman was in great diſtreſs, Mr. Bowes might have laid down by her ſide, I cannot ſay; but Mary Gowland barely ſwears the fact, without explaining any circumſtance, how they were in bed together, or any thing of that ſort. The circumſtances, therefore, that are adduced in mitigation, ſtrike my mind as a great aggravation. But then, the Gentlemen ſay, they hope you will execute judgment with mercy.—What mercy has Mr. Bowes ſhewn to Lady Strathmore? I remember once a man, who was capitally convicted of a moſt barbarous murder, fall on his knees, and ſaid to Mr. Baron Eyre, the Judge who tried him—for God's ſake, my Lord, ſhew me mercy. —That excellent Judge made the beſt anſwer in the world, and you will make the ſame to Mr. Bowes—"Man thou has ſhewn no mercy"— This individual criminal has no right to complain:—What had he who has violated the laws of his country, —inſulted the perſon of his betters, in every reſpect, except as the law had made her his wife,— inſulting the publick juſtice of his country in the publick face of day, at noon-day, in this great town,—and then he is juſt to come and ſay, ſhew me mercy:— You deſerve none, you have ſhewn no regard to the laws of the country in which you live. It becomes now neceſſary, for the firſt time, for I can find no ſuch criminals as theſe defendants, therefore you are called upon to-day, and I repeat it,—for the firſt time,—to puniſh theſe defendants, convicted of this enormous crime, to prevent others, by a puniſhment --- the remembrance of which will not wear off. My Lords, as Mr. Erſkine has denominated me counſel for the publick, and has choſen to place me in that character, I have no objection to it, but I conſider myſelf more particularly as counſel for Lady Strathmore, as well as the publick, and I ſay, that ſhe has been ſcandalouſly abuſed, that ſhe has been inhumanly treated, that Mr. Bowes has forgot all the rights that belonged to a huſband and a man; and, when you view him in that character—ſhew him what mercy you can.

Mr. Law. My Lords, the learned gentlemen on the other ſide have too well eſtabliſhed the character of their clients, to make it at all neceſſary for me to preface the affidavits with which you have been acquainted, and with which the files of your Court are now diſgraced; if there could have been any thing wanting to compleat this crime, it would have been the miſerable matter in the affidavits, falſified as it is by the evi-

dence,

dence, and falſified as it is by that indictment from which they fled, when they had aſſigned as a perjury on the face of that indictment, every one ſpecific fact, and when the proper moment came for deciding that from the teſtimony of witneſſes, they ſhrunk from that enquiry, therefore I do contend before your Lordſhips, that every fact that is ſworn in the articles of the peace is confirmed concluſively; and I muſt ſay, that in the little memory I have of what has ever paſt in this Court, or of a longer period of time in my memory, and with the aſſiſtance of any hiſtory I can embrace, there never was an inſtance in which any criminals convicted really of a miſdemeanor, ſtood before your Lordſhips for judgement under circumſtances of equal aggravation; this I ſay, whether you contemplate the end, or the means uſed to obtain it—the end was to make the Lady return to the cuſtody of a huſband, who for eight long years had abuſed the patience of an injured ſuffering woman—ſuffering under treatment the moſt ſavage—the moſt brutal. What were the firſt articles of peace in 1785? They are upon the records of the Court—I appeal to the Court for the propriety of theſe obſervations—I may appeal to every matter of record upon the files of this Court—I ſay on thoſe articles of 1785, ſhe ſtates herſelf to have had pins run into her tongue, blood ſqueezed out of her mouth, ears, and noſe——

Mr. Erskine. I object to this Mr. Law—I conceive I am at liberty to advert to this, becauſe at the time this injury was done, the articles of the peace were juſt expired.

Court. We cannot go into that.

Mr. Law. Then Mr. Bowes was juſt now enlarged from that extraordinary reſtraint—this was not a ſudden guſt of paſſion, it was not an injury done without thought—without premeditation; you find it on the evidence of my Lord's notes, ſo early as the 14th of October; various conſpirators were aſſembled in diſguiſes, they are collected, and to each is diſtributed the part that party is to act—they remove themſelves to town, after they have acquired one aſſociate, whom they had brought up from Staffordſhire; there Mr Bowes prepares them for the hardieſt act of violence, they might be required to execute, by carrying them out with arms in coaches, viſiting the entries of the metropolis; at laſt they ſuppoſe that their ſchemes might be rendered abortive, and Mr. Bowes then found it neceſſary to throw before Lady Strathmore ſome kind of deception, that might dupe the vigilance and ſuſpicion of the moſt wary; he found it neceſſary to decamp—on the 23d of October he goes down to Durham, he lays that fooliſh plan which was executed on the 25th, of falling off his horſe, that Lady Strathmore might be ſeduced from that ſtate of guard and watchfullneſs which ſhe kept for her protection; in this part of the buſineſs Bourn is connected with him; for what purpoſe could Bourn conceive that Mr. Bowes fell from his horſe? his circulating the ſtory of the fall, in hopes of its reaching the ears of a moſt conſiderable and moſt reſpectable perſon, if it was not to pave the way for ſomething more material, is ridiculous: at this period Bourn is connected—Bourn in the next period receives a letter, he follows them, he tries at the execution of the ſcheme in town, he makes his appearance at the Caſtle, and when they get to town their project aſſumed a a freſh tone and vigour, by the deceptions of Lucas, and as if all cold and indolent before, he aids ſtratagem by force, he taking advantages from his character as a peace officer of inſinuating himſelf into the Lady's confidence, and dupeing her more eaſily. Mr. Bowes has choſen to ſay, that he believed all the time that Lady Strathmore was away from him, that ſhe was pineing in ſome meaſure for a reſtoration to his ſociety, that ſhe was ſeen in tears; now this meſſenger, Mr. Lucas, might have learned the true ſtate of her mind, and might have paved the way to a reconciliation, but he never ſounded her ſentiments on that ſubject—in a word, he alarmed her, he received her pay for another perſon, and having got this entrance into the citadel, it would have been no very difficult thing to have carried her off by force, leſs criminal than that by which ſhe was carried away; but it ſeems as if there was a particular conſtitution in Mr. Bowes, he is not ſatisfied with being a perpetrator of miſchief, unleſs he alſo is one of the moſt dangerous diſturbers of the public peace; he held out the name of one of the firſt magiſtrates—he told her to mitigate her fears, you are going before Lord Mansfield, and by means of a perjury the moſt unequivocal, capable of being denied, or explained by Cummins, if he had appeared before the Juſtice, but not explained perjury in an affidavit, in which he ſtates himſelf to have apprehended violence from Mrs. Morgan, and the coachman and footman, all of whom expreſsly ſwear the contrary; and that by means of this perjury, and a real and unequivocal ſubornation of that perjury in Lucas—in Bowes, is this Lady carried away at mid-day,

in the moſt public ſtreet, now I cannot fancy to myſelf a more open outrage to the laws of any civilized country, by means of this perjury is Lady Strathmore carried off.—But Mr. Bowes produces an affidavit which compleats, if any thing was wanting to compleat his guilt, that ſham converſation between Dove and Mr. Bowes, and Lucas, in which he ſays, he hopes there is nothing illegal in it. My Lords, after this period of time, what this poor woman ſuffered is beſt explained by the articles of peace, and which I do ſay are clearly evidence in this caſe, and deſcribe.

Mr. ERSKINE. The Court reſolved they ſhould not be referred to.

Mr. LAW. They reſolved on the articles of peace in 1785, you know ſhe has come twice before this Court, we did not fill up the blank and interval as we might have done, for certainly we thought that fact was ſo filled up; I will not ſtate to your Lordſhips any further detail of the circumſtances, except as far as it is impoſſible for you, believing the articles to be true, and the evidence of the ſurgeon and of Mrs. Morgan, it is impoſſible to believe one word of what is ſworn of that abominable vivacity, to call it no worſe, with which this Lady is ſuppoſed to be talking of the ſpirits and behaviour of Mr. Bowes—it is indecent, and would diſgrace a brothel, if it was paſted on its walls. My Lords, give me leave to aſk in what claſs of crimes is this crime to be ranked? The law-books conſider conſpiracies as groſly infamous and ſcandalous, it is ranked with forgery, with perjury, with cheats, to all of which the law annexes infamous puniſhments—there were five or ſix different defendants in the caſe of the King and Shaw, and they had every one of them a peculiar note of infamy fixed upon them; if the parties guilty of that conſpiracy come with other crimes likewiſe infamous, and draw after them infamous puniſhments, they muſt take the conſequences of their infamy; as to Lucas's infamy, it is the habit of his life, and if he is raiſed to that bad eminence to which all good men wiſh him to be raiſed, it will have no other effect upon him, than only to give him the command of a larger horizon, and enable him to view all the aſſociates of his former life at once; how ſuperior he may be to all the ſhame of ſuch a ſituation, little in his opinion, yet I truſt he is vulnerable to pain and ſenſible of corporal feeling, and ſuch ſort of puniſhments properly belong to ſuch men for ſuch crimes; as to Mr. Bowes, what is puniſhing him, but excluding from ſociety thoſe who are already the out-caſts of it, for if a gentleman is introduced into honorable and liberal company by means of his fortune and education, and will commit ſuch crimes as theſe, he ſhould know that he commits thoſe crimes at the penalty of the excluſion from a ſociety to which he had been introduced—he ſhould know that he commits them at the expence of being excluded from every thing that is honorable and worthy, and that will be the beſt puniſhment for him; as to the arguments that have been uſed in mitigation for Bourn and Prevot, that they are ſervants, that they acted under his authority—why, my Lords, the crime of ſervants in no age, and in no community, has ever been held light; if maſters are prevented from committing crimes by means of their ſervants, the miſchief of their own arm would be great indeed; therefore, it was the policy of another ſtate, they immediately ſeized on the perſons of all the ſlaves on the firſt crime committed by the maſter, and for the diſcovery of that put them to puniſhment; for the policy of all well-governed ſtates is to ſecure the maſter's innocence by his ſervants, and there never was an idea more miſchievous than that which was entertained before the laſt riots, that women and children were to be ſcreened; it was then the wiſdom of thoſe that ſat to adminiſter the laws, to ſelect for puniſhment women and children, that every body might know that neither age nor ſex can avail thoſe that tranſgreſs the laws. My Lords, in forming the judgment you are about to form for the puniſhment of theſe unhappy men, I hope and pray it will have ſuch a ſalutary ſeverity on this occaſion, that by their ſufferings and ſhame, the moſt flagitious and daring may know how dangerous it is to inſult the laws, and thereby may be deterred from the repetition of ſuch offences; and that every perſon who may hear your Lordſhips judgment this day, may hearing it declare, that you are ſenſible you are puniſhing a crime which began in perjury, was carried into effect by the moſt extreme cruelty, and at laſt nearly terminated by murder!

Mr. GARROW. My Lords, I ariſe only to acquit myſelf of any want of attention to the duty of my ſituation; I ſhould be extremly vain—much vainer than it becomes me to be, if I could conceive that any thing I have to offer, could aſſiſt the Court in forming that judgment which they are going to pronounce—I will not keep alive any anxious expectation, or prevent the pleaſure the public will receive by poſtponing the judgment, while I make a ſpeech; but as the caſe appears without example

ample in the hiſtory of this country, ſo I hope that the people of this country, and who are here to day will ſee, that the opinion they have entertained of the admirable theory, and the more admirable practice of the laws of England, is well founded.

SENTENCE.

Mr. JUSTICE ASHURST. Andrew Robinſon Bowes, Edward Lucas, Francis Peacock, Mark Prevot, and Henry Bourn, you have been ſeverally tried and found guilty on an information which ſtates by way of preamble, that Lady Strathmore lived ſeparate and apart from you Andrew Robinſon Bowes her huſband, and that ſhe had inſtituted a ſuit in the Spiritual Court for a ſeparation for cruelty and adultery, and that you the ſeveral defendants entered into confederacy and combination together, to prevent the proſecution of this ſuit by force and reſtraint, and to induce her to drop the ſaid ſuit; and that in proſecution of this purpoſe, you aſſaulted her and ill-treated and impriſoned her, and terrified her with threats and menaces; of this crime the Jury have found all you the defendants guilty. The crime of conſpiracy is in itſelf of a ſecret nature—it cannot be ſuppoſed that the parties entering into it ſhould call witneſſes to be preſent at their meetings, and therefore where a number of men act in concert in any illegal purpoſe, that is evident that all the parties acted in concert to carry that into execution, though they never were all ſeen together; this was laid down in the caſe of the Cock-Lane Ghoſt, and has ever ſince been recognized as law—ſuch has been the caſe here, and you have all acted and taken your parts in the ſcene of villainy that has been carried on. It would be waſting time unneceſſarily, for me to recapitulate the evidence, I ſhall only juſt take notice of a circumſtance or two which has been made uſe of in argument, to diſcrimiuate the caſe of Bourn; but in the firſt place, it might be a ſufficient anſwer to that argument to ſay, that the Jury have found him guilty of a conſpiracy, which if he was not privy to the deſign that Mr. Bowes had in view, the Jury could not properly have found him guilty of it; but notwithſtanding Bourn during the whole of this tranſaction lived in the Biſhoprick of Durham, yet it does ſeem to me, as Juſtice Buller laid it down at the time of this trial, that he might be involved in the guilt of this tranſaction; becauſe it is not neceſſary though the conſpiracy was particularly carried on in London and Middleſex—it is not neceſſary that he ſhould be proved to be in Middleſex at any one of the times—if that ſhould be laid down to be law, you may very well ſuppoſe a caſe ever ſo criminal, in which no one could be convicted at all—ſuppoſe that parties one living in London, one in Middleſex, one in the Borough, and the other in Herts, they never could be tried in ſuch a caſe as that, though they were all acting in the proſecution of ſuch an illegal act, and each uſing his endeavour to compleat it, therefore they muſt all go unpuniſhed; that would be a monſtrous poſition—I look upon it, that though the principal actors in this conſpiracy did their parts in the county of Middleſex, yet any perſon down in the Biſhoprick of Durham acting in concert with them, and concerned in their deſigns, may be convicted alſo, although in the county of Middleſex. Now it has been proved to the ſatisfaction of the Jury, that Bourn in the firſt place was privy to Bowes's ſcheme of feigning that he had tumbled from his horſe, and diſlocated his ſhoulder, and broke his ribs; and one muſt ſhut one's eyes very much to think Bourn could be ſo very much impoſed upon, as to ſuppoſe this was for a very innocent purpoſe. Beſides all that, after he was carrying her away by night, in this concealed place, there he afterwards lends his aſſiſtance; when he could not procure chaiſes, he lends him his horſe, to carry her behind him, the Lord knows where: he does not pre-

tend to ſay he knew; and you muſt ſhut your eyes very much to believe he was innocent; therefore, I think, the jury have done perfectly right in involving him in the guilt imputed to the other defendants. The crime, therefore, of which you have been found guilty, does appear to be of as atrocious and daring a nature as ever appeared in a Court of Juſtice; and, had not the facts been made out by the moſt inconteſtable proofs, one ſhould hardly have thought, that in a civilized country, governed by ſuch laws, any ſet of men would have been found hardy enough to take away a Lady of rank and fortune, from one of the moſt publick ſtreets of this great town, at mid-day, in defiance of all law, order, and government, and to drag her through the heart of the kingdom 240 miles; and, what is a high aggravation of this offence is, that it was meant and intended to impede the current of publick juſtice, and by force and violence to put a ſtop to a proſecution legally inſtituted by her againſt you, for cruelty and adultery; and in order to effect this wicked purpoſe, you have corrupted a man of the name of Lucas, whoſe duty it was to preſerve the peace—you have induced him to become the violater of it. As to ſuborning Chapman to ſwear againſt the coachman and footman, that you have, in ſome degree, exculpated yourſelf from; it may be you did not tell him to do this act, but when you told him, he muſt by any means take her perſon, you could not ſuppoſe he would be very delicate about the means; therefore, you, by the firſt iilegal act, make yourſelf reſponſible for every thing that followed in conſequence of it. One ſhould have hoped that you, who have had the advantages of birth, and fortune, and education, would have been ſuperior to ſuch baſe practices; but you have made uſe of fortune to corrupt men of lower extraction:— This has not been the ſtart of ſudden reſentment, but a cool, deliberate purpoſe of malice, carried on for a month, at leaſt; for it does appear by that affidavit you have now made, under the pretence of extenuating your crime, that you have harboured this in your mind a much longer time; for you there confeſs, that you waited only for the time that your recognizances were out, and your ſureties diſcharged, therefore your own affidavit gives judgment againſt you. If that fact, you was about to commit, was innocent, why wait for the time that the ſureties for the peace were diſcharged?—therefore you give judgment againſt yourſelf, and ſhew that you knew the act you was about to perpetrate was illegal; and, in truth, no man in this country can be ſo ignorant, as not to know it was illegal in the higheſt degree. But though you was the original contriver of this ſcene of outrage, and therefore ſtand more criminally guilty, yet there are other perſons that ſtand highly guilty alſo:— You, Edward Lucas, you knew it was your buſineſs to preſerve, and not break the peace, yet you have been guilty of the moſt daring violation of it, and that under the colour and ſhelter of your office, for you pretended that you had a warrant againſt Lady Strathmore, which was totally without all foundation; you have added to the breach of your duty, the crime of treachery, as you was placed about her perſon as a guard, and was paid for being her protector. As to the under actors, though they are leſs criminal, yet ſome of them are very highly reprehenſible—particularly you, Francis Peacock, for it does appear that you are a man of fortune, a man of ſome education, therefore you certainly muſt, or ought to have known better, and that ſuch a thing as this was not to be tolerated in a country governed by law;— you pretend you did not know what Mr. Bowes's intention was, at the time you accompanied him to London;—it is very hard to bring ones-ſelf to believe that you did not know that Mr. Bowes was proceeding on ſome illegal purpoſe, when he was forced to make uſe of theſe circumſtances of ſecrecy and diſguiſe, for fear of being diſcovered: and it appears, from your own confeſſion, that the morning of this outrage, you did know the purpoſe of his intention, and that he was going to ſeize the perſon of Lady Strathmore by force, and to carry her from this city;—if you knew that, even on the morning, ought not you, or ought not any man, that calls himſelf a Gentleman, that calls himſelf an honeſt man, to have lent his aſſiſtance to prevent ſuch a ſcene of outrage and violence? If you admit that, knowing what his purpoſe was, you did join him in the proſecution of that illegal intent; and that you did accompany him as far as Stamford, to which place ſhe was carried while you was in his company, it is utterly impoſſible that you did not know that this was againſt Lady Strathmore's conſent; for it has been proved by a number of witneſſes, and, might I ſuppoſe, by hundreds more, that in many places ſhe cried out murder, and that ſhe was carried off by force and vio-

violence. As for the reſt of theſe defendants, though only in the capacity of ſervants, yet every man, and particularly ſervants, ought to know, it is no part of their ſervice to enliſt themſelves into the illegal concerns of their maſters—they are only to obey him in all his lawful commands; therefore that ſervice is no kind of excuſe for the part you have taken in this buſineſs. The Court has taken into conſideration the different degrees of malignity attending your ſeveral caſes, DOTH SENTENCE AND ADJUDGE, that you, Andrew Robinſon Bowes do pay a fine of three hundred pounds to the King, and be impriſoned in the cuſtody of the Marſhal for the ſpace of three years, and that you do after the expiration of thoſe three years, give ſecurity for your good behaviour for the ſpace of fourteen years, commencing from and after the expiration of the ſaid term of three years, yourſelf in ten thouſand pounds, and two ſureties in five thouſand pounds each, and that you now be remanded to the cuſtody of the Marſhal, in execution of this judgement, and until you ſhall have paid the fine; and that you Edward Lucas, do pay a fine of fifty pounds to the King, and be impriſoned in his Majeſty's goal of Newgate for the ſpace of three years, and until that fine be paid; and that you Mark Prevot be impriſoned in his Majeſty's goal of Newgate for the term of one year; and that you Francis Peacock do pay a fine of one hundred pounds to the King, and be impriſoned for the ſpace of two years in the cuſtody of the Marſhal of this Court, and until that fine be paid; and that you Henry Bourn do pay a fine to the King of fifty pounds, and be impriſoned in the ſaid goal of Newgate for the term of ſix months, and until that fine be paid.

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